The City Council of the City of Raleigh met in regular session on Tuesday, September 20, 1983 at 1:00 p.m. in the City Council Chamber of the Municipal Building with the following present:

Mayor York, Presiding
Ms. Babb
Mr. Calloway
Mr. Edwards
Mr. Jordan (Arrived late)
Mr. Keller
Mr. Walters
Mr. Upchurch

Mayor York called the meeting to order and invocation was rendered by the Reverend Robert E. Fields, Jr., Pastor of Hudson Memorial Presbyterian Church after which the following matters were discussed with action taken as shown.

RECOGNITION OF SPECIAL AWARDS

PROCLAMATION - AMERICAN BUSINESS WOMEN'S DAY - PROCLAIMED

Patty Moore, Publicity Committee of the ABWA, was at the meeting to receive a proclamation proclaiming September 22 as American Business Women's Day. Mayor York read the proclamation in full. In accepting the proclamation, Ms. Moore indicated the President of the United States has proclaimed September 22 as the National Day for Women.

AMERICAN'S SOCIETY OF LANDSCAPE ARCHITECTS - AWARDS PRESENTED TO THE CITY OF RALEIGH

Mayor York indicated on Saturday, September 17, the City of Raleigh was recognized with three awards by the North Carolina Chapter of the American's Society of Landscape Architects. He indicated the City is particularly pleased to receive these awards, pointing out they are three of only six being given a year for projects throughout the State. They were selected from 24 entries from all over North Carolina. The first award was for the design and the execution of the Gardner Street Greenway. Mayor York indicated Planning Director Chapman has explained that Bob Mosher and Art Chard were the staff people working on this project. The award was presented to Mr. Chapman as Mr. Mosher and Mr. Chard were not able to be at the meeting. Mayor York presented the second award to Ken Maness, which was for the Appearance Commission's appearance questionnaire and report. The third award was presented to Brian Scott relating to the Hillsborough Street visual analysis project.

CERTIFICATES OF APPOINTMENT - PRESENTED

Mayor York explained the presentation of Certificates of Appointment and presented the following certificates: Appearance Commission - Carlton Midyette and Vince Zucchino; Historic Properties Commission - Mrs. Francis Winslow; Transit Authority - Mrs. Pat Pierce.

MR. JORDAN ARRIVES AT THE MEETING.

CONSENT AGENDA

CONSENT AGENDA - APPROVED AS AMENDED

Mayor York presented the Consent Agenda indicating all items on the Consent Agenda are considered to be routine and may be enacted by one motion. If a councillor requests discussion on an item, the item will be removed from the Consent Agenda and considered separately. Mayor York explained the vote on the Consent Agenda will be a roll call vote. Mr. Walters requested that the traffic items relating to truck loading zones on Wilmington Street be withdrawn. Without objection, the item was withdrawn. Mr. Upchurch moved that administration's recommendation on the remaining items on the Consent Agenda be upheld. His motion was seconded by Mr. Calloway and a roll call vote resulted in all members voting in the affirmative. THE MAYOR RULED THE MOTION ADOPTED.

The items on the Consent Agenda were as follows.

PRIVILEGE LICENSE APPLICATION - CHARLIE GOODNIGHT'S RESTAURANT - APPROVED CONDITIONALLY

This is a privilege license application for "Charlie Goodnight's Restaurant", located 861 West Morgan Street. The owner/manager, Thomas Albert Williams, is the individual making application. City Code Section 2-2032 (2), (3) and (5), and City Code Section 12-2118 (3), require City Council approval before a license may be issued for a dance hall, public club with live entertainment, classified as a class two entertainment center. Police report indicated approval. The Inspections Division is recommending a conditional approval upon compliance with all Building and Zoning Code items. Consent Agenda approval: Upchurch/Calloway - 8 ayes.

CANDLER SWIM CLUB - OFFER TO SELL - REJECTED

Councilman Keller stated at the last Council Meeting that he had received the subject offer. Administration was directed to provide a report and recommendation to Council on this offer. A copy of the report will be included with the Council members' Agenda packet along with a copy of Mr. Candler's offer.

Recommendation: It is recommended that the offer not be accepted. Consent Agenda approval: Upchurch/Calloway - 8 ayes.

CETA PLANNING COUNCIL AND PRIVATE INDUSTRY COUNCIL - DISSOLUTION AUTHORIZED

The CETA Program for the City of Raleigh will officially end on September 30, 1983. It would be appropriate to dissolve the CETA Planning Council and the Private Industry Council for the City of Raleigh effective September 30, 1983. The same individuals constituted both advisory bodies. The CETA Planning Council has existed since the CETA Program began in 1973.

Recommendation: Approval is recommended. Consent Agenda approval: Upchurch/Calloway - 8 ayes.

HUD GRANT AMENDMENT - FAIR HOUSING - AMENDMENT AUTHORIZED

The first Fair Housing Assistance Grant Agreement No. HA-10672, has been amended by the U.S. Department of Housing and Urban Development. This grant was accepted by the City Council on January 19, 1982. The original grant amount was $26,000 which included: $3,200 for training participation by a minimum of six employees in mandatory training. The City of Raleigh's program only needed four participants. Therefore, the City of Raleigh can only be reimbursed $2,000 for participation in mandatory training. The purpose of the amendment is to reflect the allowable reimbursement for participation in mandatory training. The amendment reduces this item by $1,200. The amended grant amount if $24,800.

Recommendation: Approval is recommended. Consent Agenda approval: Upchurch/Calloway - 8 ayes.

CETA ADMINISTRATIVE CLOSEOUT BUDGET - APPROVED

The CETA Administrative Closeout Budget was presented on the Agenda with it being indicated that it represents cost for the CETA Closeout Activities in accordance with the Department of Labor Phase Down/Closeout instructions for the period of October 1, 1983 through January 31, 1984.

Recommendation: It is recommended that this budget be approved. The money for this budget will come from the FY '83 Program Budget - 03-2-5400 - Various Accounts. Consent Agenda approval: Upchurch/Calloway - 8 ayes.

RESOLUTION NO. (1983) 345 TF 8

A RESOLUTION TO AMEND THE 1983/1984 BUDGET

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That the following transfers are hereby approved to reflect the CETA Administrative Closeout Budget set forth below in accordance with Department of Labor Phasedown/Closeout instructions for the period of October 1, 1983, through January 31, 1984:

From:	03-2-5400	FY 83 Program Budget	$152,613.00
To:	03-2-5800-0100	Salaries	$ 35,558.07
	03-2-5800-0101	Fringes	15,533.20
	03-2-5800-0228	Postage/Telephone	873.36
	03-2-5800-0231	Travel	200.00
	03-2-5800-0232	Rent/Storage	20,460.69
	03-2-5800-0260	Office Supplies	500.00
	03-2-5800-0267	Payroll Services	250.00
	03-2-5800-0269	Copier/Supplies	129.68
	03-2-5800-0534	Audit	5,000.00
	03-2-5800-0535	Indirect Cost	18,000.00
		U I Compensation (aft. 3/31/84)	56,108.00
			$152,613.00

Adopted: 9/20/84

PERSONNEL - FIRE DEPARTMENT CLASSIFICATION CHANGES - APPROVED

In order to provide greater flexibility for lateral transfers and training opportunities with the Fire Department, the following classification changes are proposed:

Current Title/Grade	Proposed Title/Grade
Fire Training Officer/36	District Fire Chief/36
Asst. Fire Training Officer/33	Fire Captain/33
Fire Rescue Service Commander/33	Fire Captain/33
Fire Inspector/33	Fire Captain/33

No additional funds are necessary.

Recommendation: Approval is recommended. Consent Agenda approval: Upchurch/Calloway - 8 ayes.

CD LOAN - B-82-MC-007 - APPROVED

The following Community Development rehabilitation loan application has been researched and reviewed according to administrative procedures and is recommended for City Council approval:

Case Number - B-82-MC-0078
Robert Louis Height
224 Bledsoe Avenue
Loan Amount: $21,400.00

Recommendation: Approval is recommended. Consent Agenda approval: Upchurch/Calloway - 8 ayes.

CIVIC CENTER - RENT FREE USE - INFORMATION RECEIVED

Approval has been granted for the rent-free use of the Civic Center on Wednesday, November 16, 1983, for a Housing Workshop sponsored by the Raleigh Housing Task Force.

Approval has been granted for the rent-free use of Room A of the Civic Center on September 28, 1983, from 3:00 until 5:00 p.m., for meeting of the Raleigh Tomorrow Task Force.

The information was received without comment.

TENNIS COURT RESURFACING - CAPITAL FUND ITEM - APPROVED

A Capital Fund item in the amount $14,879 was presented relating to tennis court resurfacing - Millbrook Exchange and Optimist Park. The Agenda outlines the source of funds and the expenditure accounts which are recommended for approval. Consent Agenda approval: Upchurch/Calloway - 8 ayes. See Ordinance 186 TF 5.

TRANSFERS - ADMINISTRATIVE - MANAGER'S ACTIONS CONCURRED WITH

Council members received in their Agenda packet a list of administrative transfers which have been authorized by the City Manager according to Council procedure.

Concurrence with the Manager's action is recommended. Consent Agenda approval: Upchurch/Calloway - 8 ayes.

The transfers were as follows:

FROM	TO	AMOUNT
40-2-1800-101	40-2-1810-101	$950.00
06-2-7030-712	06-2-7030-723	200.00
01-2-1080-260	01-2-1080-701	650.00
84-2-1110-000	84-2-1110-105	50.28
18-2-1000-0001	18-2-9920-0103	950.00
01-2-5050-225	01-2-5020-231	42.63
01-2-4130-265	01-2-1130-265	37.60
19-2-8340-534	19-2-8010-260	100.00
18-2-0100-225	18-2-0100-227	750.00
01-2-1230-232	01-2-1230-663	210.00

TRANSFERS - WITHIN VARIOUS ACCOUNTS AND APPROPRIATIONS - ORDINANCE ADOPTED

The Agenda listed recommended transfers within code accounts and appropriation from contingencies for purposes as set out in the Agenda. Administration recommends approval of the transfers and appropriations as outlined. Consent Agenda approval: Upchurch/Calloway - 8 ayes.

ORDINANCE NO. (1983) 186 TF 5

WHEREAS, it appears desirable and for the best interest of the City of Raleigh and its citizens that funds in the amounts hereinafter set forth heretofore appropriates as set forth in the appropriations ordinance adopted June 21, 1983, and included in the budget for the fiscal year ending June 30, 1984, be transferred from one account as permitted and authorized by the General Statutes of North Carolina, NOW, THEREFORE,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That the amounts hereinafter set forth be and are hereby transferred for the purpose shown:

CODE ACCOUNT	OBJECT CLASSIFICATION	AMOUNT
From 37-2-1090-0200	Grounds Maintenance	$ 14,879.00
To 37-2-1090-0101	Tennis Ct. Resurfacing	14,879.00
Purpose: Refurbishing tennis courts: 8 in Optimist Park and 3 in Millbrook.		
From 37-2-1000-0100	Council Reserve	$ 1,350.00
To 01-2-1040-0001	Contingency	1,350.00
Purpose: To reimburse Council Contingency for appraisal work on Parks sites (Lassiter Mill and Caraleigh)		
From 40-2-1000-0100	Civic Center Reserve	$ 6,900.00
To 40-2-2500-0101	Civic Center Equipment	6,900.00
Purpose: Provide funds for purchase of two electric braisers to upgrade kitchen equipment.		
From 01-2-4130-0265	Other Services	$ 3,000.00
To 01-2-4130-0601	Furniture & Fix.	3,000.00
Purpose: To purchase replacement furniture for fire stations.		
From 01-2-6010-0269	Athletic Supplies	$ 2,100.00
To 01-2-6010-0237	Car Rental	1,800.00
01-2-6000-0237	Car Rental	300.00
Purpose: To provide funds for increase in auto allowance from $75.00 to $90.00 per month.		
From 38-2-3070-0100	Tucker House	$ 11,928.00
To 38-2-3070-0101	Tucker House Roof	11,928.00
Purpose: To establish account for gutter and roof repairs at Tucker House.		
From 18-2-1000-0001	Amusement Reserve	$ 3,500.00
To 18-2-9920-0103	Refund Other	3,500.00
Purpose: To supplement this code to provide refunds as needed.		
From 38-2-3070-0100	Tucker House	$ 18,072.00
37-2-1000-0100	Council Reserve	16,574.54
To 38-2-3070-0102	Tucker House Paint.	34,646.54
Purpose: To establish account for painting and necessary repairs to Tucker House.		
From 02-2-1810-0700	Equipment	$ 4,000.00
To 02-2-1810-0230	M&O	4,000.00
Purpose: Additional funds needed for vehicle maintenance and operation.		
From 01-2-5030-0606	Refuse Coll. Unit	$348,000.00
01-2-5030-0610	Landfill Unit	256,500.00
To 01-2-5080-0230	Recondition Vehicles	604,500.00
Purpose: To place funds in Renovation Program Account for dispensing to vendors.		

From	03-2-5400-0534	Contingency	$ 1,800.00
To	03-2-5400-0134	Child Care	1,800.00

Purpose: To supplement deficit line item account and to facilitate program close out.

From	38-2-1000-0100	Council Reserve	$ 3,311.25
To	38-2-2010-0106	Plumbing	3,311.25

Purpose: Change Order - Biltmore Hills and Ridge Road Pools, AAA Electrical Company, P-4.

From	38-2-1000-0100	Council Reserve	$ 17,958.19
To	38-2-2010-0106	Plumbing	17,958.19

Purpose: Change Order - Biltmore Hills and Ridge Road Pools, AAA Electrical Company, P-3.

From	84-2-1060-0000	E. M. Johnson Plant Expansion	$ 42,214.00
To	84-2-1060-0201	EMJ - Electrical	42,214.00

Purpose: Change Order - E. M. Johnson Expansion, Bryant Durham Electric Company, E-2.

From	01-2-1040-0001	General Fund Contingency	$ 15,000.00
To	01-2-1230-0265	Other Services	15,000.00

Purpose: To provide sufficient funds for the street lighting study contract with Touche Ross and Company.

From	01-2-1040-0001	Contingency	$ 1,000.00
To	01-2-4020-0261	Services & Supplies-Phantom	1,000.00

Purpose: To purchase food, medicine, training aids and veterinarian fees for police dog (Phantom).

Adopted: 9/20/83

BIDS - REFURBISHING OF TENNIS COURTS - AWARDED TO TENNICO OF COLUMBIA

Pursuant to advertisement as required by law, bids received and publicly opened in the office of the Parks and Recreation Director for refurbishing tennis courts - three at Millbrook Exchange and eleven at Optimist with results as follows: Van Sumner, Inc. - $19,237; Howard B. Jones - $18,245; Tennico of Columbia - $14,879. Administration recommends the low bid submitted by Tennico of Columbia be awarded. Consent Agenda approval: - Upchurch/Calloway - 8 ayes.

TRAFFIC - VARIOUS CHANGES - ORDINANCE ADOPTED

The Agenda presented recommended changes in the traffic code related to No Parking on Jones Franklin and Winton Roads and speed limit on Falls of Neuse Road. Administration recommends approval as presented. Consent Agenda approval: Upchurch/Calloway - 8 ayes.

ORDINANCE NO. (1983) 187

AN ORDINANCE AMENDING THE TRAFFIC SCHEDULE OF THE CITY OF RALEIGH

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That Traffic Schedule No. 5A4 entitled "45 MILES PER HOUR SPEED ZONES" be amended by adding the following:

Falls of Neuse Road in its entiretly

Amend said Section further by deleting the following:

Falls of Neuse Road from Wake Forest Road to Cedarhurst Drive
Falls of Neuse Road from Spring Forest Road to the northern corporate limits

Section 2. That Traffic Schedule No. 13 entitled "NO PARKING ZONES" be amended by adding the following:

Jones Franklin Road, east side, from Bluebird Court to Western Boulevard
Winton Road, both sides, from New Hope Church Road to Singleton Industrial Drive

Section 3. That Traffic Schedule No. 17 entitled "LOADING ZONES" be amended by adding the following:

Wilmington Street, west side, from Hargett Street northward 55 feet

Section 4. That all laws and clauses of laws in conflict herewith are hereby repealed to the extent of such conflict.

Section 5. That this ordinance shall become effective September 27, 1983.

Adopted: 9/20/83

Effective: 9/27/83

END OF CONSENT AGENDA

TRAFFIC - LOADING ZONES ON WILMINGTON STREET - APPROVED; TRUCK LOADING VERSUS REGULAR LOADING ZONES - REFERRED TO LAW AND FINANCE COMMITTEE

The Department of Transportation recommends that a Truck Loading Zone be established on Wilmington Street, west side, from Hargett Street northward 55 feet.

This recommendation is a result of a request from a newly established furniture business citing the need for a zone to aid in its loading and unloading activities. This action will result in the loss of two on-street parking spaces.

Mr. Walters indicated he had requested that this be withdrawn from the Consent Agenda indicating he is concerned about the truck loading zone. He indicated Truck Loading Zones are for trucks only and if we establish these as truck loading zones, they will be used only once a day or maybe at the most two times a week to unload furniture at the store next to the zone. He indicated a car or station wagon could not stop there to load furniture. He stated if it were a regular loading zone, it could be utilized for trucks and/or cars. Therefore, he would move that the recommendation as outlined on the Agenda be approved except that it be a regular loading zone rather than a truck loading zone. His motion was seconded by Mr. Edwards.

Department of Transportation Director Blackburn explained the recommendation, pointing out truck loading is a very essential curb loading control parking particularly in the downtown area. He stated it is absolutely essential that the store have a place to load and unload. He pointed out he hates to admit it but regular loading zones are abused and difficult to enforce. He indicated if a regular loading zone is established in this location, he does not feel that the incoming furniture store will have a place for its merchandise to be loaded and unloaded. He stated he does not feel that this would be in conflict with the business interest in the downtown area. Discussion took place on the difference on a regular loading and a truck loading zone with Mr. Walters pointing out there are four to five furniture stores within this particular area. He indicated if we are going to provide each one of them with a truck loading zone, he feels that it just too many. He stated a truck loading he feels is unfair, pointing out if we are going to have loading zones specifically for trucks why not taxis. He stated if the ordinance can not be enforced in regular loading zones, then we should do something about it such as changing it to a meter. He indicated there are towns around who have another system and it seems to work well, that is to eliminate all truck on street parking prior to 9:00 a.m. and all trucks come in and load and unload at one time. He stated this would help with the problem of people coming in and parking all day. Mr. Blackburn indicated this is not for the furniture store only it is a general usage loading zone in that area. After brief discussion, the motion as stated was put to a vote and passed unanimously. The Mayor ruled the motion adopted. See Ordinance 187.

Mr. Walters suggested that an item relating to regular loading versus truck loading zones as well as how to enforce our loading zone ordinance be referred to Law and Finance Committee. Without objection the item was so referred.

SPECIAL ITEMS

PRIVATE BUS SERVICE PERMIT - WOLFLINE - APPROVED ON SECOND AND FINAL READING

During the City Council meeting held on September 6, 1983, the City Council, by Ordinance 1983-183 approved a franchise for Yellow Cab Company of Raleigh, Inc., for a private bus service permit to operate Wolfline. It would be appropriate to receive the recommendation from the Transit Authority and, if the Council so desires, the next action would be to adopt the ordinance on a second and final reading.

City Manager Zachary indicated the Transit Authority discussed the application at its last meeting and feels that the three factors that are to be considered by the City Council in granting such a permit are answered affirmatively in this application. Therefore, they would recommend that the Council approve the application on the second and final reading. Mr. Calloway moved that Ordinance 1983-183 be approved on second and final reading. His motion was seconded by Mr. Jordan and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

REPORT OF THE PLANNING COMMISSION

PLANNING COMMISSION CONSENT AGENDA - APPROVED AS AMENDED

Mayor York presented the Planning Commission Consent Agenda indicating it would be handled in the same manner as the regular Consent Agenda. Mr. Upchurch requested that CR-2097 - Subdivision S-118-83 - Smoketree Cluster Development be withdrawn. Without objection, the item was withdrawn. Mr. Edwards moved that the Planning Commission's recommendation on the remaining items on the Planning Commission Consent Agenda be upheld. His motion was seconded by Mr. Walters and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

The items on the Planning Commission Consent Agenda were as follows:

SUBDIVISION S-104-83 - BERKSHIRE DOWNS - WEST - APPROVED WITH CONDITION

This was a request for approval to subdivide a 105 acre parcel which is currently undeveloped and zoned Residential-6 into 293 lots, 33 of which will be large enough for multi-family development.

The property is located on the west side of Perry Creek Road, just north of US 1 North, outside the City Limits.

CR-2084 from the Planning Commission recommends that this request be approved according to a map entitled, "Berkshire Downs - West," the property of Paragon Development Company, drawn by John W. Harris, P.E., dated July 15, 1983, with the condition that a storm water management plan and program be developed and approved by the Staff in conformance with the Perry Creek Storm Water Policy being formulated by the City Council. Consent Agenda approval: Edwards/ Walters - 8 ayes.

SUBDIVISION S-86-83 - THE LANDINGS AT NORTH RIDGE - APPROVED

This was a request for approval to subdivide a 3.56 acre tract which is currently undeveloped into seven (7) lots, zoned Residential-4, Residential-6 and Conservation/Buffer.

The property is located on the south side of Wayneridge Drive, just east of Rainwater Road, outside the City Limits.

CR-2093 from the Planning Commission recommends that this request be approved according to a map entitled, "The Landings at North Ridge," the property of Hunters Point Association, drawn by Jerry Turner and Associates, dated June 1, 1983. Consent Agenda approval: Edwards/Walters - 8 ayes.

SUBDIVISION S-111-83 - WAKE MEDICAL CENTER - APPROVED WITH CONDITIONS

This was a request for approval to subdivide a 1.6 acre parcel from a 50± acre tract, zoned Office and Institution-I. The site is developed as a hospital. The property is located on the east side of New Bern Avenue, just north of Sunnybrook Road, inside the City Limits.

CR-2094 from the Planning Commission recommends that this request be approved according to a map entitled, "Wake Medical Center," the property of Wake County, drawn by Joseph T. Johnston, dated June 30, 1983, with the condition that the access and utilities easement agreement on the existing drive extend from New Bern Avenue to Swinburne Street to insure emergency and service vehicular access to this property be approved by the City Attorney's Office prior to recording the final plat. Consent Agenda approval: Edwards/Walters - 8 ayes.

SUBDIVISION S-115-83 - LEESVILLE EAST PHASE I CONDOMINIUM PROJECT - APPROVED

This was a request for approval to subdivide and construct a 120-unit condominium project on 20.9 acres which are currently undeveloped and zoned Residential-6.

The property is located on the northeast corner of Ray Road and Leesville Road, just west of Lynn Road, outside the City Limits.

CR-2095 from the Planning Commission recommends that this request be approved according to a map entitled, "Leesville East (Phase I) Condominium Project," the property of The Calibre Company of North Carolina, Incorporated, drawn by Little and Little, dated September 6, 1983. Consent Agenda approval: Edwards/Walters - 8 ayes.

SUBDIVISION S-119-83 - STONEHENGE NINE - APPROVED

This was a request for approval to subdivide an 86.9 acre tract which is currently undeveloped into 110 lots. The site is zoned Residential-4 (67 acres) and Residential-10 (19.9 acres). One lot (#623) will be for multi-family development. The property is located on the east side of NC 50 (Creedmoor Road) at the intersection of NC 50 and Morgans Way, outside the City Limits.

CR-2098 from the Planning Commission recommends that this request be approved according to a map entitled, "Stonehenge Nine," the property of Development Associates, drawn by Tom Coffey and Penny Greene, dated August 16, 1983. Consent Agenda approval: Edwards/Walters - 8 ayes.

SUBDIVISION S-120-83 - CARRIAGE BLUFFS AT GREYSTONE - APPROVED WITH CONDITION

This was a request for approval to construct (in two sections) a 56-unit townhouse project on 11.07 acres which are currently undeveloped and zoned Residential-6. Section 2 is 4.55 acres with 23 units, and Section 3 is 6.52 acres with 33 units.

The property is located at the intersection of Stonehenge Drive and Bluffridge Drive, outside the City Limits.

CR-2099 from the Planning Commission recommends that this request be approved according to a map entitled, "Carriage Bluffs at Greystone," the property of Spectrum Homes, drawn by Jerry Turner and Associates, Inc., dated July 28, 1983, with the condition that the legal documents for the non-profit homeowners association be reviewed and approved by the City Attorney's Office prior to recording the final plats. Consent Agenda approval: Edwards/Walters - 8 ayes.

SUBDIVISION S-121-83 WAYNERIDGE TOWNHOMES - APPROVED WITH CONDITIONS

This was a request for approval to construct a 69-unit townhouse project on 8.53 acres zoned Residential-6 (2.9 acres), Residential-10 (4.9 acres), and Conservation/Buffer (.73 acres). Approval is also requested to transfer three (3) units from the Conservation/Buffer to the Residential-10 portion of the lot.

The property is located on the south side of Wayne Street, just east of Jones Franklin Road, inside the City Limits.

CR-3000 from the Planning Commission recommends that this request be approved according to a map entitled, "Wayneridge Townhomes," the property of Martin-McInnis, Incorporated, drawn by Jerry Turner and Associates, dated August 1, 1983, with the condition that the legal documents for the non-profit homeowners association be reviewed and approved by the City Attorney's Office prior to recording the final plats. Consent Agenda approval: Edwards/Walters - 8 ayes.

SUBDIVISION S-122-83 - WAYNERIDGE, PHASE II - APPROVED WITH CONDITIONS

This was a request for approval to construct a 10-unit townhouse project on Lots 1, 7, 8 and 9 of Wayneridge, Phase II (Lot 1 - 4 units, Lots 7, 8 and 9 - 2 units each) on 1.67 acres which are currently undeveloped and zoned Residential-6.

The property is located on the north side of Wayne Street, just east of Jones-Franklin Road, outside the City Limits.

CR-3001 from the Planning Commission recommends that this request be approved according to a map entitled,"Wayneridge, Phase II" the property of Wayneridge Associates, drawn by B. Kenneth Martin, dated August 16, 1983, with the condition that the legal documents for the common party wall maintenance agreements and cross-access and parking agreements be reviewed and approved by the City Attorney's Office prior to recording the final plats. Consent Agenda approval: Edwards/Walters - 8 ayes.

PA-186 - TOWN OF GARNER WALNUT CREEK PUMP STATION - APPROVED WITH CONDITION

This was a request for approval for a sewage pump station on an 11.19 acre parcel which is currently undeveloped and zoned Residential-4.

The property is located at the southern end of Williams Road, outside the City Limits.

CR-3002 from the Planning Commission recommends that this request be approved according to a map entitled, "Town of Garner, Walnut Creek Pump Station," the property of Watson Seafood and Poultry Company and being developed by the Town of Garner, drawn by Municipal Engineering Services Company, dated July 1, 1983, with the condition that, once the Town of Garner has title to the tract, it be recorded prior to obtaining any permits for construction of this project. Consent Agenda approval: Edwards/Walters - 8 ayes.

TEXT CHANGE PROPOSAL - CLARIFICATION OF SUBDIVIDERS RESPONSIBILITY - PUBLIC HEARING AUTHORIZED

This was a request for approval to amend Sections 10-3047(a), 10-3049(a) and (d) to clarify subdividers' responsibility for construction of streets.

CR-3004 from the Planning Commission recommends that the proposed text change be authorized for public hearing on November 17, 1983 according to the ordinance attached to Certified Recommendation 3004. Consent Agenda approval: Edwards/Walters - 8 ayes.

END OF THE PLANNING COMMISSION CONSENT AGENDA

SUBDIVISION S-118-83 - SMOKETREE CLUSTER DEVELOPMENT - APPROVED WITH CONDITION

This was a request for approval to subdivide 82.5 acres which are currently undeveloped into 340 lots and develop as a cluster development. The site is zoned Residential-6 (23 acres) and Residential-4 (59.5 acres).

The property is located on the east side of US 1 North, bounded by Berkshire Downs Subdivision on the east and Homestead Mobile Home Park on the north, outside the City Limits.

CR-2097 from the Planning Commission recommends that this request be approved according to a map entitled, "Smoketree Cluster Development," the property of Smoketree Corporation, drawn by Robert T. Newcomb, dated September 8, 1983, with the following conditions: (1) That the legal documents for the non-profit homeowners association be reviewed and approved by the City Attorney's Office prior to recording the final plats; and (2) that a storm water management plan and program be developed and approved by the Staff, in conformance with the Perry Creek Storm Water Policy being formulated by the City Council.

Mr. Upchurch indicated he had requested that this item be withdrawn from the Consent Agenda pointing out it is in the Perry Creek Basin and the recommendation says nothing about the new sewer use fee. He questioned why this one is not treated the same as Berkshire Downs. Mr. Chapman indicated it would be treated the same as the Berkshire Downs. He pointed out the Perry Creek Sewer Fee is now an adopted policy and would automatically apply. Mr. Upchurch moved that the Planning Commission's recommendation be upheld. His motion was seconded by Mr. Edwards.

Mr. Walters indicated as long as the item has come up he would like to discuss it. He indicated when the Perry Creek Sewer Fee Policy was adopted, he did not understand what was being meant and he erred in voting for it. He indicated he did not understand it would mean an extra $1,500 per unit burden on homes. He indicated it does not have any effect on any watershed and he feels that this policy were put development at a standstill in the lower Perry Creek Basin. He stated the people who own property will be taking it off of the market and he just did not realize this policy had the effect that it will have. Mr. Edwards indicated that question has come up and he feels that all Council people have been approached by it. He indicated the sewer use fee will provide Capital Improvement funds for outfall up Neuse River and Perry Creek and will relieve problems. He indicated he has had a lot of different people say it would add $9,000 per acre to R-6 developments and $15,000 per acre to R-10 development. He indicated he does not look at this as an increase in land cost, it is just a price that people are willing to pay to live in that area. He indicated if they chose to build elsewhere that is their choice, or if they chose to build here then they will have to pay the unit fee. He stated he feels that this is a way to move development from a pressure area into other areas that we want to develop. He stated he just sees this as a fee a homeowner is willing to pay to live in a particular area. Mr. Walters indicated this same type matter is what got him involved in Planning Commission and City Council in 1972. He indicated this is a beautiful developable area in minutes of downtown, but it will never be developed unless we have water and sewer in the area. He pointed out the North Hills area developed without this added on fee and he does not see why we are placing it on this area. He indicated he feels the City should go ahead and put sewer down the Neuse River and let the entire population pay for it as all other areas have been developed that way. He indicated if this was in the watershed, he could justify it but he can not justify it the way it is being set up. Mr. Edwards explained the water and sewer acreage fee policy was developed in the 1950's and there was a lot of unrest about it. He indicated at time we were able to get Federal funding to build these outfall lines, but that has been cut off. Discussion took place after which the motion, as stated, was put to a vote and passed unanimously. The Mayor ruled the motion adopted.

REZONING Z-64-83 - DURALEIGH ROAD - APPROVED AS AMENDED, ORDINANCE ADOPTED

This was a request for approval to rezone approximately 32.7 acres from Residential-4 to Residential-10.

CR-3003 from the Planning Commission recommends that Z-64-83 be approved as amended; that is, that Parcel 6 (12 acres) be rezoned to Residential-10 and that the remaining portion of the request (Parcel 11 - 18.7 acres, Parcel 56 - 1 acre, and Parcel 30 - 1 acre) be rezoned to Residential-6.

Planning Commission Chairman Woodlief presented the recommendation of the Commission. Mr. Upchurch moved the Planning Commission's recommendation be upheld which was seconded by Mr. Jordan. Mr. Edwards indicated his company may be doing some work in this area, however, he has not been approached yet, but according to his previous stance he would like to be excused from participation in this matter. Without objection, he was excused. The motion, as stated, was put to a vote and passed with all members voting in the affirmative except Mr. Edwards who was excused. The Mayor ruled the motion adopted. See Ordinance 188 ZC 126.

REZONING Z-87-83 - SIX FORKS ROAD - APPROVED - ORDINANCE ADOPTED

This was a request for approval to rezone approximately 12.5 acres from Office and Institution-III to Office and Institution-I and Conservation/Buffer (a 50-foot strip along the north, west and half the south sides of the property).

CR-2092 from the Planning Commission recommends that Z-87-83 be approved as requested.

Mr. Calloway moved the Planning Commission's recommendation be upheld. His motion was seconded by Mr. Edwards. Mr. Edwards indicated as he understands it, the Conservation/Buffer transfer of density will not be automatic and when it comes back in for plan approval, he feels that the Council should at that time consider whether to allow the transfer of density. Discussion took place as to whether the Council could deny the transfer of density with Mr. Walters suggesting that a condition be placed on the rezoning that in case the property is developed residential, the City will not allow the transfer of density. City Attorney McCormick indicated we could not attach conditions to rezoning. He indicated in the plan approval process, the Council would have to find that the transfer of density causes problems in the areas that the Council is allowed to look at in the normal site plan review process. After brief discussion, the motion, as stated, was put to a vote which resulted in all members voting in the affirmative except Mr. Upchurch and Mr. Keller who voted in the negative. The Mayor ruled the motion adopted.

ORDINANCE NO. (1983) 188 ZC 126

AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE CITY OF RALEIGH WHICH INCLUDES THE ZONING DISTRICT MAP

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That Section 10 of the City of Raleigh Code, which includes the Zoning District Map, be and the same is hereby amended as follows:

(a) Duraleigh Road, west side, between Ebenezer Church Road and Rockwood Drive, being Parcels 6, 11, 30 and 56, Tax Map 432, rezoned as follows: Parcel 6 (12 acres) rezoned to Residential-10 and the remaining portion of the request (Parcel 11- 18.7 acres, Parcel 56 - 1 acre, and Parcel 30 - 1 acre) rezoned to Residential-6, according to map on file in the City of Raleigh Planning Department. (Z-64-83)

(b) Six Forks Road, west side, between Lynn Road and Longstreet Drive, being Parcel 13, Tax Map 351, approximately 12.5 acres rezoned to Office and Institution-I and Conservation/Buffer (a 50 foot strip along the north, west, and half the south sides of the property), according to map on file in the City of Raleigh Planning Department. (Z-87-83)

Section 2. That all laws and clauses of laws in conflict herewith are hereby repealed to the extent of such conflict.

Section 3. That this ordinance shall become effective September 20, 1983.

Adopted: 9/20/83

COMMITTEES, COMMISSIONS, AND BOARDS

APPEARANCE COMMISSION - APPOINTMENTS MADE

The Clerk reported the term of David Malette, Jr. expires October 20. He has been nominated for reappointment and nominations have not been closed. There being no further nominations Mr. Calloway moved that nominations to the Appearance Commission be closed and Mr. Malette reappointed by acclamation. His motion was seconded by Mr. Edwards and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

The Clerk reported the Youth Council representative, Barry Stroud, has graduated from high school. Alyson Hyman has been nominated and nominations have not been closed. There being no further nominations Mr. Keller moved that nominations to the Appearance Commission be closed and Ms. Hyman appointed by acclamation. His motion was seconded by Mr. Calloway and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

ELECTRICAL EXAMINING BOARD - APPOINTMENT MADE

The Clerk reported the term of Larry Nunnery, representative of the Electrical Utility Company, expires November 6. He has been nominated for reappointment and nominations have not been closed. There being no further nominations Mr. Calloway moved that nominations to the Electrical Examining Board be closed and Mr. Nunnery appointed by acclamation. His motion was seconded by Mr. Walters and passed unanimously. The Mayor ruled the motion adopted.

GREENWAY COMMISSION - NOMINATIONS MADE

The Clerk reported that five terms expire October 20, 1983. Nominations include Eleanor Nunn, Julius R. Haywood, Juliette Newcombe, Lou Bryan, and Dr. Tom Ellerman. Nominations have not been closed. Mr. Upchurch indicated he would like to nominate David B. King, however, he is not sure Mr. King lives inside the City Limits. Discussion took place with it being agreed to hold the item until later in the meeting to check on whether Mr. King is a resident or is not a resident.

Later in the meeting, it was reported that Mr. King is not a resident, therefore would not be eligible for appointment to the Greenway Commission. Mr. Keller moved that nominations to the Greenway Commission be closed and the five people nominated be appointed by acclamation. His motion was seconded by Mr. Upchurch and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

During the night section of the meeting, it was reported that the resolution establishing the Greenway Commission does not require that members be residents of the city of Raleigh. After brief discussion on the fact that there was a nomination that was deemed to be ineligible, Mr. Walters moved that the Council rescind its previous action of appointments to the Greenway Commission and accept the name of David King. His motion was seconded by Mr. Calloway and passed unanimously. The Mayor ruled the motion adopted and it was agreed to carry this item over with the six nominees until the next meeting.

HUMAN RESOURCES AND HUMAN RELATIONS ADVISORY COMMITTEE - APPOINTMENT MADE; MEMBERSHIP INCREASED TO TEN

The City Clerk reported one vacancy due to the resignation of Norman C. Camp. George Sanders has been nominated for appointment. Nominations have not been closed. The Clerk indicated during the last Council meeting, Ms. Babb questioned how this Board could be enlarged and a break down of membership. Enlarging the Board would require adoption of an ordinance amending the original ordinance. No public hearing is required. Presently there are seven men and one women and one vacancy on this Board. There being no further nominations, Mr. Calloway moved that nominations be closed and George Sanders appointed by acclamation. His motion was seconded by Mr. Edwards and passed unanimously. The Mayor ruled the motion adopted.

Ms. Babb indicated she feels that we should increase the membership on this committee to ten. She stated that would be a workable size and she feels that we should try to get a better balance. Ms. Babb moved that we enlarge the membership of HRHRAC to ten and adopt the necessary ordinance. Her motion was seconded by Mr. Jordan. Ms. Babb indicated she would like for the Council to have the informal understanding that the additional people would be women. Mr. Walters objected indicating he would have no problem with saying we wanted to get representatives from all over town, but if we try to get into having a balance of men and women, he feels the Council would be opening itself up to trouble. He indicated this is one committee that we have had people to resign from because they said they had nothing to do and they feel it is waste of time to go to a meeting with nothing to do and he does not really understand what we are talking about. He stated he sees no need to enlarge a committee people are resigning from because of lack of interest and/or work.

Ms. Babb indicated in the past that has been the case. She pointed out, however, they have a new chairman that has come to the Council and indicated they do want to do work and explained that members of this committee are very interested in the housing issue and have been very active. She stated it is not a do-nothing committee and she feels that they are becoming very active. Brief discussion took place and the motion, as stated, was put to a vote which resulted in all members voting in the affirmative except Mr. Walters. The Mayor ruled the motion adopted.

The City Clerk indicated she had received a letter of resignation from Jesse Brinkley, therefore, there are two vacancies on this commission with the action just taken to increase the membership. Ms. Babb nominated Acie Ward. No further action was taken.

ORDINANCE 1983-190

AN ORDINANCE AMENDING ORDINANCE NO. 1977-474

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH

Section 1. That the Human Resources and Relations Advisory Committee be renamed the Human Resources and Human Relations Advisory Committee.

Section 2. That Section 5 of Ordinance 1977-474 relating to the composition of the Commission be revised to indicate that there will be ten persons with an interest in human relations and development of human resources selected by the City Council, who shall be appointed to two year terms; provided,

Section 3. That no other sections or provisions of Ordinance 1977-474 be amended or affected by this amending ordinance.

Adopted: 9/20/83

Effective: 9/20/83

ARTS COMMISSION - APPOINTMENT MADE

The Clerk reported one vacancy on the Arts Commission due to the resignation of Miller Sigmon Robert Wharton has been nominated and nominations have not been closed. There being no further nominations, Mr. Edwards moved that nominations to the Arts Commission and Mr. Wharton appointed by acclamation. His motion was seconded by Mr. Calloway and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

YOUTH COUNCIL ADVISORY BOARD - NO ACTION TAKEN

The Clerk reported the term of Kay Letterman expired September 3. No nominations have been made. It was reported that Ms. Letterman is back in school and does not feel she can continue to serve.

PLANNING COMMISSION - APPOINTMENT MADE

The Clerk reported one vacancy due to the resignation of James R. Graham. Nominations include John E. Rice and Robert Gardner. Nominations have not been closed. Mr. Edwards indicated he had nominated Mr. Gardner. He pointed out he had talked with Mr. Gardner who is serving on the Parks and Recreation Advisory Board and who would like to continue serving on that Board; therefore, he would withdrawn his name from nominations. There being no further nominations, Mr. Calloway moved that nominations to the Planning Commission be closed and Mr. Rice appointed by acclamation. His motion was seconded by Mr. Upchurch and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

HOUSING APPEALS BOARD - NO ACTION TAKEN

The Clerk reported one vacancy for an alternative member of the Housing Appeals Board as a result of a recent ordinance enlarging this Board. No monimations have been made. During the last meeting, Ms. Babb requested a breakdown on membership - females and minorities. The Clerk reported presently there is one white woman, two black males and three white males. No action was taken.

TELECOMMUNICATIONS COMMISSION - NOMINATIONS MADE

The City Clerk indicated this is a nine member commission and thus far ten people have been nominated. Nominations have not been closed. The Clerk indicated, as

requested, the Cable Administrator forwarded information on the people nominated to date by separate correspondence. Mr. Jordan nominated David L. Miller and Dr. Donell H. Lewis. No further action was taken.

FALLS LAKE ADVISORY COMMITTEE - APPOINTMENTS MADE

The City Clerk indicated that this is to be a five person committee the certain representation and thus far ten people have been nominated. Mayor York indicated that this committee is being formed to be advisory to the Council to work through the Public Works Committee. He indicated there are various other committees being formed throughout the State on this matter. He pointed out, however the City of Raleigh does want to take a leadership role in this matter and the fact that we are forming this committee means that we are proceeding with the backing and knowledge of many people, administration, etc. He again stated a lot of committees are being formed on this matter and that is good. He indicated it had been suggested that we have a five person committee and that was just a suggestion. He stated, however, we have had a lot of interest and a number of very good nominees for this committee and he feels that we could take all nominees which would be a total of ten and it would be a very workable committee. Mr. Edwards moved that all ten nominees be appointed to the Falls Lake Advisory Committee. His motion was seconded by Ms. Babb. Mr. Upchurch indicated he felt it was very important that this committee begin its work very shortly. Mr. Walters indicated he slipped up and did not nominate anyone from his district with Mayor York indicating if needed we could always an additional people. Discussion took place and the motion as stated was put to a vote and passed unanimously. The members of the Falls Lake Advisory Committee are as follows: Chris Meshaw, Agustus Witherspoon, Mariam Bailey, Charles Davy, H. Joseph Kleiss, David Reynolds, Rick A. Linthurst, Marty Hedgepeth, Carol Nankoong and Arthur Sullivan.

Mayor York indicated the Chairman of the Public Works Committee will work with staff in setting up an organizational meeting for the Falls Lake Advisory Committee. Mr. Edwards indicated the Public Works Committee would be discussing this on Tuesday and get started with the framework for the committee and then an organizational meeting would be called and the meeting invited to attend. Mr. Edwards indicated he feels we need to get as much background and information as possible on those appointed and it would be helpful if administration would collect some information. Discussion took place with the City Clerk questioning if this committee would be appointed for two year terms. It was agreed that it would follow the regular appointment procedure, that is two year terms.

PARKS RECREATIONAL ADVISORY BOARD - APPOINTMENTS MADE

The City Clerk reported the term of Robert Gardner expires October 23, 1983 and he has been nominated for reappointment by Mr. Edwards. The Youth Council representative has graduated from high school and Karin Sigmon has been nominated as the Youth Council representative. Nominations have not been closed. There being no further nominations, Ms. Babb moved that nominations be closed and Mr. Gardner and Ms. Sigmon appointed by acclamation. Her motion was seconded by Mr. Calloway and passed unanimously. The Mayor ruled the motion adopted.

MAYOR'S COMMITTEE ON SERVICES TO THE HANDICAPPED - ADDITIONAL MEMBER APPOINTED

Mayor York explained the Mayor's Committee on Services to the Handicapped has been a very active group. He indicated he went to their meeting on Thursday and as usual they had a room full of people attending. He pointed out this is a very active committee and the City is very lucky to have this group of people working for it. He indicated he would encourage some member of the new Council to identify themselves with the Mayor's committee, pointing out, however, he had told that committee to come to the City Council on a periodic basis and tell the new Council of their activities. He stated working with this committee has been a very rewarding experience. He indicated the new chairman, Bob Sexton, has suggested four additional people to serve on the Mayor's committee. He stated, one of them, however, is a City employee, Randy Ray and the Council does not normally appoint City employees to the Advisory Board. He indicated the other people suggested are Barbara Faircloth, Gray Ray and Kenneth Franklin. He indicated he would suggest that these people be appointed to the Mayor's Committee. He stated in addition there are several people presently on the committee who may need to step down and he will be working with the new chairman and the former chairman and look at the total roster and be making suggestions back to the Council. Ms. Babb moved that the three people suggested by the Mayor be appointed. Her motion was seconded by Mr. Upchurch and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

DOWNTOWN ADVISORY COMMITTEE - MEMBERSHIP ENLARGED TO TWENTY-ONE - TONY LANZILLO - APPOINTED

The City Clerk reported during the last Council meeting, the Mayor indicated Tony Lanzillo has expressed a definite interest in serving on the Downtown Advisory Committee. This committee consists of 20 members, 16 are representatives of various groups throughout the City and four are at-large members. She indicated if the Council desires to enlarge the committee, it could do so by just stating the intent to enlarge the committee and indicated whether the enlargement would be in an at-large position or a specific category. Brief discussion took place and Mr. Upchurch moved that the Downtown Advisory Committee be enlarged by adding a fifth at-large member and Tony Lanzillo appointed. His motion was seconded by Ms. Babb and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

REPORT AND RECOMMENDATION OF THE LAW AND FINANCE COMMITTEE

SWIMMING POOLS - RIDGE ROAD/BILTMORE HILLS - CHANGE ORDERS - APPROVED

The Law and Finance Committee recommends approval of Change Order P-3 as amended; that is, that the overhead and profit for all items listed in this change order be shown at 7½ percent and that the plumbing contractor give a credit of $2,087.74 for the 175 feet of water/sewer lines that were installed by the City.

The Committee also recommends approval of Change Order P-4 in the amount of $3,311.25 as presented.

It is recommended that appropriate transfers also be approved with source of funds being Parks Bond fund - Reserve. On behalf of the committee, Mr. Jordan moved the recommendation be upheld. His motion was seconded by Mr. Calloway and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted. See Ordinance 186 TF 5.

SUBDIVISION S-50-83 - HERITAGE GREEN TOWNHOUSE DEVELOPMENT - PHASE I - APPROVED CONDITIONALLY

Mr. Jordan reported the Law and Finance recommends that Phase I (which includes 4.94 acres and 21 units) of this request be approved according to a map entitled, "Heritage Green Townhouse Development," the property of Heritage Green Associates (Neal Hunt), drawn by Bass, Nixon and Kennedy, Inc., dated April 23, 1983, with the condition that the legal documents for the Non-profit Homeowners Association be reviewed and approved by the City Attorney's Office prior to recording the final plat. On behalf of the committee, Mr. Jordan moved the recommendation be upheld. His motion was seconded by Mr. Calloway. Mr. Edwards questioned if Phase I includes the extension of Sweetbriar. Mr. Jordan indicated Phase I has absolutely nothing to do with Sweetbriar extension and if Phase I is approved and with Phase I being approved that leaves all of the alternatives open for Sweetbriar. The motion, as stated, was put to a vote and passed unanimously. The Mayor ruled the motion adopted.

SC-194 - TOKEN PLEASURES - PLAN AMENDED CONDITIONALLY

Mr. Jordan reported the Law and Finance Committee recommends the plan approval on this project be amended to require only 62 parking spaces contingent upon a new map showing the parking spaces being submitted by the petitioner and approved by administration. On behalf of the committee, Mr. Jordan nove the recommendation be upheld. His motion was seconded by Mr. Calloway and put to vote which passed unanimously. The Mayor ruled the motion adopted.

HOUSING STUDY - IMPLEMENTATION BY THE CITY ACTIVITIES - REFERRED TO ADMINISTRATION; COMPREHENSIVE HOUSING POLICY PROPOSAL - REFERRED TO WORK SESSION

Mr. Jordan reported the Law and Finance Committee recommends that the City Council endorse the general objectives implied in the Private Sector Housing Committee's report and approve the following implementation activities:

(1) Request Administration to expedite the preparation of a detailed amendment for the housing portion of the Downtown East Redevelopment plan. This amendment and implementation actions to follow will address funding, site assembly, disposition methods, and regulatory changes necessary for Downtown housing activities.

(2) Request Administration to proceed with activities necessary for implementing the Bragg Street housing opportunity project including:

   a. Developing an alternative alignment for Eastern Boulevard and revising the Thoroughfare Plan.

   b. Amending the South Park Redevelopment Plan to include the site.

   c. Develop detailed procedures and criteria for site disposition.

(3) Request Administration to prepare feasibility studies and implementation recommendations for the Peterson Street, Poole Road, Cross Link Road, and Roberts Park opportunity projects.

(4) Request Administration to submit for Council consideration a complete proposal for preparing a "Comprehensive Housing Policy" which will include:

   a. A quantified assessment of housing needs.

   b. An analysis of existing and needed resources (legal, administrative, and financial).

   c. Identification of housing objectives and strategies for accomplishing the objectives.

   d. Suggestion of goals for number of units.

   e. Specific recommendations on expediter.

On behalf of the committee, Mr. Jordan moved the recommendation be upheld. His motion was seconded by Mr. Calloway. Mr. Calloway indicated that he felt that all of these items are pretty high priority. He indicated that Section II he feels is the highest priority and he would suggest adding a Subsection D and that is have administration develop the plan to accomplish these items by the second meeting in October, that is put a time frame on when the work will be accomplished. Mr. Jordan indicated he would accept that as amendment to his motion.

Mr. Walters indicated he would like to know a little bit more about the projects. He indicated it had never come to Council and he would just like to know more about what is being proposed. Discussion took place with various Council members indicating they thought everyone had received the complete report from the Private Sector Housing Committee and knew the areas that were being discussed. Mr. Walters indicated he knew the areas but not one had ever explained these projects to the Council. Mr. Jordan indicated when the bus tour was taken, there was information passed out and he would ask that this information be forwarded to the Council. Mr. Walters indicated he did not go on the tour as it was vague and he did not think the City Council was invited. He stated he really had no problems with the projects, but he just felt they should be explained to the full City Council. Mayor York stated he feels housing has been and is a strong priority of this Council. He stated he had received some information from Frank Gailor, a member of the committee, pointing out Mr. Gailor has a very strong background in finance, etc. He indicated Mr. Gailor had somewhat of a problem with the possibility of it being suggested that we may need outside consultants as he felt the Private Sector Housing Committee would be the best consultant we could have. Mayor York indicated he had no real problems with the report from Law and Finance Committee, however, he would suggest that Item 4 should go to Work Session and the Private Sector Housing Committee be invited in to discuss this item. He stated the committee has done a lot of work and he feels if we bring the committee in and discuss Item 4, it would probably be better. Mr. Jordan amended his motion to approve the recommendations as outlined in 1, 2, and 3 plus the amendment made by Mr. Calloway relating to the timetable and that Item 4 be referred to Work Session. This amendment was accepted by Mr. Calloway and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

City Manager Zachary questioned if the City Council wanted administration to do work prior to the Work Session. Mayor York indicated he felt that we should have the Work Session and then administration could do the work. He stated administration may want to do some preliminary work, but he feels we should get the comments from the committee first.

REPORT AND RECOMMENDATION OF THE PUBLIC WORKS COMMITTEE

E .M. JOHNSON EXPANSION - CHANGE ORDER E-2 - APPROVED - FUNDS APPROPRIATED

Chairman Edwards reported the Public Works Committee recommends approval of Change Order E-2, Bryant - Durham Electric Company, Inc., calling for an additional $42,214. The Agenda listed the source of funds as the code account 84-2-1060-0000. Mr. Edwards moved the change order be approved and appropriate transfer made. His motion was seconded by Mr. Upchurch and put to a roll call vote which resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

RESOLUTION NO. (1983) - 346

A RESOLUTION TO AMEND THE OFFICIAL SEWER ACREAGE FEE MAP.

WHEREAS, the City of Raleigh has established sewer acreage fees, and it has divided the Raleigh planning jurisdiction into sewer acreage fee areas;

WHEREAS, the City Council finds it necessary to add new sewer acreage fee areas.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF RALEIGH, NORTH CAROLINA that:

Section 1. That the Sewer Acreage Fee Map approved by the City Council 22 January 1980, which is on file in the City Planning Department, is hereby amended to add three new areas, 20; 21; and 22. Said new areas are delineated on Sewer Acreage Fee Map.

Section 2. All resolutions and maps in conflict herewith are repealed to the extent of said conflict.

Section 3. This resolution shall become effective immediately.

Adopted: 9/20/83

Effective: 9/20/83

SEWER ACREAGE FEE - NEW AREAS - APPROVED - RESOLUTION ADOPTED

Chairman Edwards reported the Public Works Committee recommends adoption of a resolution amending the 1980 existing official sewer acreage fee map to add sewer acreage fee areas 20, 21, and 22. On behalf of the committee, he moved the recommendation be upheld. His motion was seconded by Mr. Upchurch. Assistant City Manager Benton, utilizing a map available at the meeting, pointed out the new acreage fee areas. Brief discussion took place with Mr. Walters pointing out for the reasons he had outlined earlier in the meeting, he will vote against this. He stated he did

not see adding a fee to the homes in this area. Mr. Edwards pointed out this has nothing to do with the sewer use fee, this is just sewer acreage fee and the new areas. Brief discussion took place and the motion, as stated, was put to a vote which resulted in all members voting in the affirmative. The Mayor ruled the motion adopted. See Resolution 346.

STORM WATER MANAGEMENT - REFERRED TO PUBLIC WORKS COMMITTEE

Mr. Edwards indicated the Public Works Committee recommends that an item relating to storm water management be referred to the Public Works Committee for study. He indicated it is felt that the Public Works Committee may have a need to put together some type of advisory group to advise the committee on this item as it is a very complex issue. On behalf of the committee, he moved the recommendation be upheld. His motion was seconded by Mr. Upchurch and passed unanimously. The Mayor ruled the motion adopted.

STREET LIGHTING STUDY - CONTRACT AWARDED TO TOUCHE ROSS AND COMPANY - FUNDS APPROPRIATED

Mr. Edwards indicated Council members received in their Agenda packet a proposed contract with Touche, Ross and Company for a street lighting study. The committee recommends approval of this contract and approval of a transfer of funds in the amount of $15,000 with the source of funds being General Fund Contingency in order to provide sufficient funding for the contract. On behalf of the committee, he moved the recommendation be upheld. His motion was seconded by Ms. Babb and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted. See Ordinance 186 TF 5.

GENERAL DEVELOPMENT STUDY - PUBLIC HEARING AUTHORIZED - ITEM RETAINED IN COMMITTEE

Mr. Edwards indicated the Public Works Committee recommends that a public hearing by held at the November Zoning Hearing to consider City Code revisions necessary for the conversion to a Department of Inspections Services. He indicated Council members received in their Agenda packet a copy of the implementation plan for the development study recommendations dated September 9, 1983. On behalf of the committee, he moved the recommendation be upheld. His motion was seconded by Ms. Babb. Mr. Walters questioned if this is the same recommendation that is circulating in City Hall with it being pointed out it is. The motion, as stated, was put to a vote which resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

REPORT AND RECOMMENDATION OF THE COMPREHENSIVE PLANNING COMMITTEE

INFILL DEVELOPMENT, SETBACK REQUIREMENTS - INNER CITY AREAS AND RESIDENTIAL DENSITY IN SHOPPING CENTER ZONING - REMOVED FROM AGENDA AND REFERRED TO LAW AND FINANCE COMMITTEE FOR CONSIDERATION IN ZONING CODE STUDY

The Comprehensive Planning Committee recommends that these three items be removed from their Agenda and referred to the Law and Finance Committee for consideration in the Zoning Code Study and Evaluation. On behalf of the committee, he moved the recommendation be upheld. His motion was seconded by Mr. Edwards and put to a vote which passed unanimously.

COLLECTOR STREET PLAN AMENDMENT - WOODLAWN DRIVE - PUBLIC HEARING AUTHORIZED FOR OCTOBER 4

Mr. Calloway indicated the Comprehensive Planning Committee recommends that a public hearing be authorized to consider amending the Collector Street Plan by deleting Woodlawn Drive. He explained this is a complicated item as there is a subdivision plan being held up by the Planning Commission relating to this proposed amendment. He indicated prior to the Council meeting today, the Comprehensive Planning Committee had a brief meeting and was advised that the Council has the authority to advertise and act on a comprehensive plan amendment within a 10 day period. Following this procedure, the committee agreed to recommend that the Council authorize a joint hearing with the Planning Commission for October 4 to consider this amendment. By the Council's October 4 meeting, the Planning Commission would forward a recommendation on the subdivision related to this amendment. The Council could defer action on the subdivision at its October 4 meeting until the hearing was held and completed assuming the hearing is scheduled early on the Agenda, the Planning Commission could recess to their own meeting while the Council was completing its other hearings and report back its recommendation on the plan amendment. The Council could then make a recommendation on the subdivision and the plan amendment and would be able to take final action on the matter at the same meeting. Mr. Calloway indicated the Comprehensive Planning Committee recommends that this procedure be authorized. His motion was seconded by Mr. Edwards. Discussion took place as to why the process is being speeded up with Mr. Edwards pointing out this is the case of a subdivision that is in conflict with the Collector Street Plan of the Comprehensive Plan. He indicated everyone feels that the Collector Street Plan should be amended as Woodlawn Drive cannot be completed as a Collector Street due to construction constraints. He indicated the neighborhood, the developer and the City staff feel that it is impossible to extend Woodlawn Drive and he feels it is an error that this is on the plan. After brief discussion and the fact that there are usual circumstances, the motion, as stated, was put to a vote and passed unanimously. The Mayor ruled the motion adopted.

REPORT AND RECOMMENDATION OF THE WORK SESSION

ZERO BASED BUDGETING/PROGRAM ANALYSIS AND EVALUATION - REFERRED TO ADMINISTRATION

During Work Session it was recommended that the City Council indicate its support for improving budgeting and program management systems which will:

(1) Place a greater emphasis on establishing tangible objectives.

(2) Expand the use of objective performance measurement.

(3) Employ systematic program evaluation and program analysis.

(4) Incorporate performance consideration and budget preparation and adoption.

It is further recommended that the Council request the City Manager to consider the organizational requirements for management and budgeting systems along with other organizational changes which are under consideration and prepare specific recommendations for implementation for report back to Council. Mr. Edwards moved the recommendation of the Work Session be upheld. His motion was seconded by Mr. Upchurch and put to a vote which unanimously. The Mayor ruled the motion adopted.

ANIMAL CONTROL ORDINANCE - REFERRED TO LAW AND FINANCE COMMITTEE FOR REPORT BACK TO COUNCIL IN 60 DAYS

During Work Session, it was recommended that the Animal Control Ordinance be referred back to the Law and Finance Committee for study with the specific request that the committee look at the County's Animal Control Ordinance with the thought in mind of possibly incorporating part of the provision to deal with the problem of defecation of animals on public property as outlined in City Code Section 12-3001. In referring to Committee, it is recommended that a report be made back to the full Council within 60 days. Mr. Calloway moved the recommendation as outlined be upheld. His motion was seconded by Mr. Walters and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

HILLSBOROUGH STREET - POSSIBILITY OF TWO-WAY TRAFFIC - APPROVED; TO BE SENT TO STATE FOR CONCURRENCE

During Work Session, it was recommended that Hillsborough Street between Edenton Street and Morgan Street be converted to two-way traffic in accordance with a report prepared by the City Department of Transportation except that the Edenton Street connector between West and Hillsborough Streets operate with two lanes, rather than the present three lanes. It is recommended that this recommendation be submitted to the NCDOT for their concurrence. Mr. Edwards moved the recommendation, as outlined, be upheld. His motion was seconded by Mr. Upchurch and a roll call vote resulted in all members voting in the affirmative.

REPORT AND RECOMMENDATION OF THE CITY MANAGER

CITY COUNCIL MEETING - FIRST MEETING IN NOVEMBER RESCHEDULED FOR NOVEMBER 3

City Manager Zachary indicated the North Carolina League of Municipalities Convention in Ashville will be held from October 31 through November 1, pointing out there will be a banquet on Tuesday, November 1 in the evening. He indicated November 1 is a regular Council meeting day and that meeting needs to be rescheduled or cancelled. The Agenda outlined a number of dates in which meetings are already scheduled for the month of November. Brief discussion took place after which Mr. Upchurch moved that the first City Council meeting in November be rescheduled for Thursday, November 3. His motion was seconded by Ms. Babb. The Mayor ruled the motion adopted.

CABLEVISION - CONTRACT WITH WAKE COUNTY - AUTHORIZED

This is a proposed contract with Wake County for the Administration of the County Cable Franchise, basically in our ETJ, whereby our Cable Office would administer the County franchise in return for collecting all of the County's franchise fee. A copy of the proposed contract will be included in Council Members' Agenda packet.

City Manager Zachary indicated this contract was approved by the County Commissioner in their meeting earlier today. Mr. Upchurch moved approval of the proposed contract with Wake County for administration of the County Cable Franchise in the City's ETJ as outlined. His motion was seconded by Mr. Keller and passed unanimously. The Mayor ruled the motion adopted.

CD LOAN/GRANT - B-82-MC-008 - REFERRED TO LAW AND FINANCE COMMITTEE

The following Community Development rehabilitation loan and grant application has been researched and reviewed according to administrative procedures. Because of staff comments (which are included in Agenda packet for Council Members), it is recommended that this rehabilitation case be referred to the appropriate Council Committee for their review.

Case Number: B-82-MC-008
Catherine G. Phillips
307 Bledsoe Avenue
Grant Amount: $ 9,000.00
Loan Amount: 1,350.00
Total Amount: $10,350.00

Mr. Edwards moved that this CD Loan/Grant application be referred to Law and Finance Committee. His motion was seconded by Mr. Calloway and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

ADDENDUM

TRANSFER - POLICE DEPARTMENT - AUTHORIZED

The Addendum listed a transfer in the amount of $1,000 from City Council Contingency into the Police Department's budget to set up an account needed to purchase food, medicine, training aids, veterinarian fees for the new police dog. Mr. Upchurch moved approval of this transfer as outlined. His motion was seconded by Ms. Babb and a roll call vote resulted in all members voting in the affirmative. The Mayor rules the motion adopted. See Ordinance 186 TF 5.

POLICE DEPARTMENT - REDUCTION IN GRANT APPLICATION - APPROVED

The City Council has previously approved of the City applying for a grant in the amount of $180,530.52 from the Governor's Highway Safety Program. The Federal Government has changed their emphasises and our grant application must now be changed with it being pointed out the grant application now is for a reduced amount of $169,876.12. Administration recommends that the Council approve the filing of this reduced grant application and authorize the Mayor to sign the request and the Finance Department to book the grant. Mr. Upchurch moved administration's recommendation be upheld which was seconded by Mr. Keller and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

ORDINANCE NO. (1983) 189

AN ORDINANCE TO AMEND THE 1983/84 BUDGET ORDINANCE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That the 1983/1984 Budget Ordinance be amended as follows to reflect 1983-1984 GHSP Grant:

Revenue:	02-1-1820-0100	D.U.I./Speeding 83-84	$169,876.12
Expense:	02-2-1820-0000	D.U.I./Speeding 83-84	$ -0-
	02-2-1820-0100	Salaries	108,506.41
	02-2-1820-0101	Fringes	13,591.95
	02-2-1820-0200	Services Wake Co.	16,183.76
	02-2-1820-0230	Vehicle M&O	18,304.00
	02-2-1820-0260	Office Supplies	2,000.00
	02-2-1820-0269	Pamphlets, Charts, Etc.	5,000.00
	02-2-1820-0701	Equipment	6,290.00
			$169,876.12

Adopted: 9/20/83

SPRING FOREST ROAD PROJECT - STATUS REPORT RECEIVED

Assistant City Manager Benton indicated as a matter of review back in April the City Council approved the City proceeding to design the underpass at Spring Forest Road to be done in connection with the Atlantic Avenue project. He indicated this was done on the premise that we would achieve some economics by designing and building both at the same time and was premised upon the condition that the property owners would do certain things such as dedicate certain right-of-way and provide funds or Letters of Credit in the amount of $325,000. He stated this was to be accomplished by September 6. He pointed out the City has completed the design for the work and has been submitted to the railroads, but we do not have the sign off from the railroad. He explained the property owners have made progress on their responsibility, North Boulevard has dedicated their right-of-way. He indicated we appear to be in a position of having all the needed right-of-way for the Spring Forest portion with the exception of a very small portion of the right-of-way. He indicated the City will be working with the property owners about the funding or assurances. He indicated based on his discussion with the property owners, we could expect to accomplish everything as proposed. He stated we will try to get the bids out on October 1 contingent on getting the railroads final approval and we would try to get the funding commitment tied up and hopefully bring the agreement to the Council on October 4. The item was received as information.

BID REQUEST 83-26 - SALE OF CROPS - BID AWARDED TO JULIAN BARHAM AND GLOVER MILLING COMPANY

Pursuant to advertisement as required by law, bids were received and publicly opened in the office of the Purchasing Agent on September 19 for the sale of crops being grown by the City. City Manager Zachary explained that the bids are based on estimated revenue on anticipated yield and actual revenues will not be known until after harvest. He indicated the bids are based on the Chicago Board of Trade plus up to 21 discount points depending on the condition of the grain. He indicated based on the information we have it is recommended that the No. 2 feed grain Sorghum be

awarded to Julian Barham with the No. 2 grain yellow corn being awarded to Glover Milling Company. Discussion took place on how the discount points apply whether we clean the fields completely or leave some grain for the wildlife, etc. Mr. Upchurch moved administration's recommendation be upheld. His motion was seconded by Ms. Babb and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

REPORT OF CITY ATTORNEY

SURPLUS PARK LAND - OFF MAYVIEW AVENUE - QUIT CLAIM DEED AUTHORIZED

City Attorney McCormick indicated back in the mid-1940s when we had a commissioner form of government, the commissioners vote to quit claim some park land to adjoining residents. He indicated the property is off Mayview Avenue near Gardner Street and the original Forest Hills Subdivision. He indicated the subdivision map showed the property as park land. He stated, however, the deed was never executed. Mr. McCormick indicated he has checked and the City has never maintained the property nor intends to maintain the property. He indicated he had been contacted by Sam Leager requesting the the city executed the quit claim deed to the adjoining property owners. Mr. McCormick indicated since it was the intent of the commissioners in the 40's and the City has no use for the property, he would recommend that the Mayor be authorized to execute the quit claim deed as requested. Mr. Jordan moved the recommendation be upheld. His motion was seconded by Mr. Upchurch and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

STREET CLOSING - CLANTON STREET - QUIT CLAIM DEED AUTHORIZED

City Attorney McCormick indicated some time back the City closed a portion of Clanton Street. He indicated when the City closes a street by State law the property automatically reverts to the adjoining property owners. He stated the City does not give a deed unless the abutting property owners request it. He indicated he has received a request from J. Tift Mann, III for a quit claim deed and he would recommend that the Council authorize the Mayor to execute the quit claim deed to Mr. Mann on behalf of the City. Mr. Jordan moved the attorney's recommendation be upheld. His motion was seconded by Mr. Upchurch and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

HARGROVE STREET - AGREEMENT TO CONSTRUCT - EXTENDED

City Attorney McCormick indicated he had been contacted by Marvin Musslewhite requesting that the City extend the agreement in regard to Hargrove Street. He indicated in 1979 the City entered into an agreement that North Boulevard could deffer improvements on Hargrove Street, however, they would agree to do the improvement at the request of the City. He indicated the street is not needed at this point. Attorney Musslewhite is requesting that we extend the agreement for two years. He indicated we would retain the ability to call for the improvements when needed. Mayor York questioned why they would want to extend the agreement with City Attorney McCormick indicating otherwise they would have to build the street now. Mr. Upchurch moved that the City authorize the extension of the agreement as outlined by the attorney. His motion was seconded by Ms. Babb and passed unanimously. The Mayor ruled the motion adopted.

EXECUTIVE SESSION - INFORMATION RECEIVED

City Attorney McCormick indicated at the end of the last meeting an Executive Session was held and he was authorized to make an offer. He reported that that offer has been refused. He stated there is no further action required by the City Council at this point. The item was received as information.

REPORT OF MAYOR AND COUNCIL MEMBERS

MAYOR YORK TO BE EXCUSED FROM PORTION OF NIGHT MEETING

Mayor York indicated he has to leave the night meeting as he has another appointment at 8:00 p.m. on St. Mary's Street. He stated, without objection from the Council, he like to be excused from the meeting at approximately 7:45 p.m. and he would ask Mayor Pro Tem Walters to take over at that point. Without objection, it was agreed that the Mayor would be excused from a portion of the night meeting.

COUNCIL MEMBERS - MAYOR EXPRESSED APPRECIATION FOR COOPERATION IN WELCOMING GROUPS

Mayor York indicated this time of the year we have a lot of groups coming to Raleigh and a lot of activities are taking place and the Mayor is requested to welcome or speak at many activities. He indicated he would like to publicly express appreciation to the Mayor Pro Tem and all members of the Council for filling in for him when he asked them to. He indicated Mr. Walters has been of particular help in assisting. He indicated he takes a lot off of him when the Council members agree to fill in for him in this capacity and explained his work schedule for one day during the previous week involved eight activities.

DOROTHEA DIX PROPOSAL - REFERRED TO INTERGOVERNMENTAL COMMITTEE

Mr. Upchurch indicated all Council members have been reading in the paper recently about plans for Dorothea Dix Hospital. He indicated he would ask administration to contact Dr. Morrow's office and have the appropriate person to come to the Council

and address the Council explaining what is taking place. He requested that this item be referred to the Intergovernmental Committee for discussion on Thursday, September 22 with the report from the appropriate persons in Dr. Morrow's office to take place at that point. Without objection, the item was referred to Intergovernmental Committee and administration was directed to contact Dr. Morrow's office.

GOVERNOR - MEETING ANNOUNCED

Mayor York indicated he has been attempting to set up a meeting with Governor Hunt to discuss the City's proposal for Dorothea Dix and Downtown Housing. He indicated the meeting is tentatively scheduled for October 3. He stated he would be in touch with everyone to confirm the meeting date, pointing out he did not know what size delegation or meeting we would be having, but if feasible, Council members would be invited to attend. The item was received as information.

CETA - INFORMATION REQUESTED

Ms. Babb indicated she would like for administration to prepare a brief report to the Council on what is happening in the transition from CETA to the new jobs program, what we will be doing to type up our present program and moving into the program which will be administered by Wake County. She stated she would like a brief report on the transition, our role in the new program, etc. Without objection, the matter was referred to administration.

REQUEST AND PETITIONS OF CITIZENS - ADD ON AUTHORIZED

Ms. Babb indicated as a point of personal privilege she would like for David Heater, representing the Raleigh Academy of Model Aeronautics to address the Council tonight. She briefly explained that this is a group of people who are looking for a place to meet and participate in their hobby of model aeronautics and they would like to make a proposal for utilization of portions of the landfill. Without objection, it was agreed to add Mr. Heater to the night portion of the meeting.

EMERGENCY SHELTER ORDINANCE - PUBLIC HEARING TO CONSIDER AMENDMENT - AUTHORIZED

Ms. Babb indicated as a point of personal privilege she would like to ask the Council to allow Sister Helen Wright to talk about some of the problems being encountered in trying to set up an emergency shelter. Without objection, it was agreed to hear from Sister Wright.

Sister Wright indicated her agency has worked with the City of Raleigh ordinance for about two and a half months with local realtors - Sid Gulledge and Ed Bailey. She stated they are unable to find a site for an emergency shelter that meets the requirements of the ordinance. She indicated they would suggest the possibility of allowing emergency shelters to be located in neighborhood business district zones and would also ask the Council to consider decreasing the lot size and heated space requirement in the present ordinance. She indicated people are still flocking to her organization as they need a place to stay and they have not been able to find a location that meets the ordinance to provide this facility.

Ms. Babb indicated she had talked with a few City Council members about this problem. She stated what she feels we are going to have to do is possibly extend the locational requirements to the Neighborhood Business zone with the City Council having specific approval of a site in a Neighborhood Business zone. She indicated she would hope we would not move into another winter and not have a workable ordinance. Lengthy discussion took place on the size requirements with it being pointed out by Sister Wright that it is felt by people trying to work with the ordinance that the square footage requirement is too much and the lot size is too large. A local retailer, Julie Sigmon, questioned why the City would want such a large lot for people who do have cars. She indicated the problem they are running into is finding a location with a building as large as being required with the lot being so much more. Lengthy discussion took place on what is required under our present ordinance. Discussion took place on the differences in a temporary shelter what facilities it would provide versus the requirement for a group care facility. Ms. Babb indicated we are dealing with a unique "animal" when we are talking about temporary shelters. She explained she felt that we were extremely lucky in Raleigh to have a private group who wants to provide this type facility pointing out in many other cities it is the government's responsibility. Discussion took place with it being pointed out to amend this ordinance would require a public hearing. After brief discussion, Mr. Jordan moved that a public hearing be authorized to consider amending our emergency shelter ordinance to allow emergency shelters in Neighborhood Business District zones with specific City Council approval of the site and also consider amending the ordinance to reduce the square footage requirement and overall lot size. His motion was seconded by Ms. Babb. It was pointed out by the City Attorney that we could draft a proposal for the public hearing and that could be modified at the public hearing. Mr. Jordan pointed out if we do not do something about the radius requirements, he feels that they will still have problems locating a temporary shelter in Neighborhood Business. He stated he feels that the Council should consider the possibility of the Council being allowed to waive the radius requirements in Neighborhood Business zones. Mr. Walters indicated he would not object to advertising this as we do a basis to hold the public hearing. Mr. Jordan indicated for the record he would point out that he would support this type facility going in Neighborhood Business zoning with City Council approval. After brief discussion as to when the public hearing could be held, etc. the motion as stated was put to a vote and passed unanimously. It was agreed that this would be scheduled for a special joint hearing at the October 4 meeting.

At the night portion of the meeting, it was pointed out due to advertising requirements, the Council would not be able to hold the public hearing at the October 4 meeting and the October 18 Council meeting would be the first available date. It was agreed that a special joint hearing before the Council and the Planning Commission would be authorized for the October 18, 1983 Council meeting.

TRAFFIC - CAMERON PARK AREA - REFERRED TO PUBLIC WORKS COMMITTEE

Mr. Edwards requested that an item entitled, "Traffic in Cameron Village" be referred to the Public Works Committee. Without objection, the item was so referred.

STREET - WESTVILLE - ADMINISTRATION TO GIVE A REPORT

Mr. Edwards indicated he received a call or a complaint about the condition of Westville Street between Leonard and Churchill Road. He indicated this street may have been build substandard to City requirement. He piointed out it is deteriorating rapidly and the utility companies have been doing a lot of work in the area. He requested administration to give a status report on the condition and the City's responsibility for maintenance of the street. Withou further discussion, the matter was referred to administraiton.

SPEED LIMITS - EAST EDENTON STREET - REFERRED TO LAW AND FINANCE COMMITTEE; ADMINISTRATION TO CHECK NEED FOR ADDITIONAL SIGNS ON WADE AVENUE AND MILLBROOK ROAD

Mr. Walters requested that an item be referred to Law and Finance Committee relative to the speed limit on East Edenton Street between Idlewild and Blount Streets. He indicated it is one of the biggest speed traps in Raleigh and he does not feel we need the 30 mile per hour speed zone. He indicated if he felt he could get support he would move that the speed limit be changed but he knew that he could not get the support of Council, therefore, he would move that the item be referred to Law and Finance Committee. Without objection, the item was referred to Law and Finance Committee.

Mr. Walters indicated in the same light he has concerns about the speed limit sign on Millbrook Road between Colony Shopping Center and Quail Corner Shopping Center. He indicated it is 35 miles per hour, but there is not many signs indicating that. He stated he would like for administration to look to see if we have enough signs posted so that people will know what the speed limit is. He stated it is a wide street and people drive much faster. Mayor York indicated another street in the same category would be Wade Avenue. He pointed out the policy on speed limits is 35 miles per hour unless otherwise posted, but explained that Wade Avenue is a large street and people travel faster, therefore, we may need to post more signs there. Administration was asked to look into this situation.

PUBLIC NUISANCE - 516 NORTH PERSON STREET - REFERRED TO LAW AND FINANCE COMMITTEE

Mr. Jordan indicated the City declared 516 North Person Street a public nuisance, however, some work is being accomplished and he would like to refer the matter to Law and Finance Committee. Without objection, the item was referred to Law and Finance Committee.

ATC - CHARGES OF DISCRIMINATORY ACTION - REFERRED TO LAW AND FINANCE COMMITTEE

Mr. Calloway indicated he would like to refer to Law and Finance Committee an item relating to complaints by a citizen that ATC has been engaging an unfair and discriminatory practices with regards to awarding contracts for work to be done in the City of Raleigh. He indicated he would like to refer this to the committee and work with the people involved as well as the Cable Administrator on the complaint.

TRAFFIC AND MAINTENANCE OF ALLEY - CONCERNS OF BOYLAN HEIGHTS ASSOCIATION - REFERRED TO ADMINISTRATION

Mr. Keller presented a letter from the Boylan Heights Association related to maintenance of alleys in the area as well as concern about the traffic flow once the Boylan Avenue bridge is opened. Without objection, administration was asked to comment on the concerns as outlined.

TREE MANAGEMENT PROGRAM - REFERRED TO INTERGOVERNMENTAL COMMITTEE

Mr. Keller explained sometime back the Appearance Commission was asked to study the possibility of an Urban Tree Program in the city of Raleigh. He indicated one of its members, Rod Swink, was the chairman and after months of discussion, the committee felt that the Tree Management Program was more than just an appearance issue. He stated because of the importance an comprehensiveness of this issue, the Commission feels that it would be wise to consider a Special Urban Forestry Task Force to look at the issue. He stated he would request that this matter be referred to the Intergovernmental Committee to look at and come back with the report to the full Council. Without objection, the item was so referred. Mr. Walters pointed out at a recent Mayor's Association Meeting, there was discussion on Urban Tree Program and they used a slide of a view of the downtown Raleigh to show what an urban forest should look like. He stated this made him very proud.

REPORT OF CITY CLERK AND TREASURER

MINUTES - SEPTEMBER 6 - APPROVED AS PRESENTED

The City Clerk indicated Council members received copies of the minutes of the September 6, 1983 Council meeting and special joint hearing with the Planning Commission. There being no corrections the Mayor announced the minutes approved as presented.

ADJOURNMENT

There being no further business the meeting adjourned at 3:30 p.m. to be reconvened at 7:00 p.m.

Gail G. Smith

jb/CC/SP5

The City Council met in a regular reconvened meeting on Tuesday, September 20, 1983 at 7:00 p.m. in the City Council Chambers of the Municipal Building with the following present:

Mayor York, Presiding
Ms. Babb (Arrived late)
Mr. Calloway
Mr. Edwards
Mr. Jordan
Mr. Keller
Mr. Walters
Mr. Upchurch

Mayor York called the meeting to order and the following items were discussed with action taken as shown.

REQUEST AND PETITIONS OF CITIZENS

WATER BILL - 407 MORRISON AVENUE - REFERRED TO LAW AND FINANCE COMMITTEE

Elli Curlee, 407 Morrison Avenue, was at the meeting to request an adjustment on his water bill. He indicated when he and his family were on vacation they had a problem in that the commode hung and when they returned they found the problem. He stated they called the plumber and had the whole commode replaced and he has the receipt showing when the work was done. He stated he then received a water bill of $102 covering this period. He stated he was at the meeting to request the Council to give him some type of adjustment such as only requiring him to pay an average water bill. Mayor York indicated the City does have a problem when it is determined that the leakage is actually on the customer's side of the meter pointing out the water has been used. Discussion took place as to whether there is any administrative adjustment that can be made with Mr. Curlee indicating that he was told that administration could not make any adjustments. Mr. Jordan moved that the request for adjustment of the water bill at 407 Morrison Avenue be referred to Law and Finance Committee. Without objection, the item was so referred.

MS. BABB ARRIVED AT THE MEETING.

CHAVIS PARK - UTILIZATION BY AGAPE FORCE - APPROVED

Dave Holloman, representing Agape Force, was at the meeting requesting permission to utilize portions of Chavis Park on September 23, 1983, between 7:00 and 9:30 p.m. to present a christian concert and Out-Reach Program. City Manager Zachary indicated the time span being requested will run into darkness and the park is not lighted to accommodate this. Therefore, administration would recommend that the request be denied. He indicated in addition, there is a policy question as to whether the City should permit religious activities on publicly owned park land. Mr. Holloman indicated he had talked with a Mr. Summerfield and the Parks and Recreation Director and they plan to get the lighting themselves. He indicated they could use one end of the parking lot which is lighted and that would be sufficient. Mr. Jordan moved the request, as presented, be approved. His motion was seconded by Mr. Calloway and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

GOVERNOR'S RUN FOR FUN AND HEALTH - UTILIZATION OF CITY STREETS - APPROVED CONDITIONALLY

Gary Pearce, representing the Governor's Council on Physical Fitness and Health, was at the meeting to request permission to block City streets to conduct the Sixth Annual Governor's Run for Fun and Health. He indicated the race is scheduled for Tuesday, October 18, 1983 at 5:15 p.m. Council members received information in their Agenda packet on the route, etc. In response to questioning, City Manager Zachary indicated the Police Department has no objection and it is understand that barricades for the formation area are to be provided by the Governor's Council. Mr. Upchurch moved approval of the use of streets for the race with conditions outlined by the Manager. His motion was seconded by Ms. Babb and put to a vote which resulted in all members voting in the affirmative. The Mayor rules the motion adopted.

SPRING FOREST APARTMENTS - DENSITY QUESTION - APPROVED FOR THIRTY UNITS

James R. Rogers, III, attorney at law, was at the meeting representing P&I Partnership. He indicated the question of density arises on a tract of land that is five acres in size zoned Residential-6 and has received group housing approval. He pointed out the staff indicates there will be an allowable density of only 29 units not 30. He indicated that Timber Ridge Drive will cut across the southeast corner of the property. He stated his clients have reserved the right-of-way and are not building in the right-of-way but because of this reservation, they will lose density and they feel that is approaching "taking". He indicated he feels the density for five acres should be thirty units and whether the road will be taken in the future is another question. He indicated he was at the meeting to question the authority of staff to disapprove this project for thirty units. Mr. Edwards indicated this was one of his companies projects. He indicated, however, he feels we will be talking about a policy and he would like to participate in the policy question, but not on this particular project. Mr. Walters indicated if the City takes a right-of-way in the future that seems to be irrelevant. He indicated if the property belongs to Mr. Rogers client, then they should be allowed to have the density. He referred to the Shelly Road pump station situation. City Attorney McCormick indicated that that was

a different situation, that we were talking about a temporary licenses to have a facility. He indicated if we required dedication of a street then the City does not allow the density for the land involved. He indicated it is his opinion that what the Council needs to do is either grant a building permit or acquire the right-of-way. He explained recent enabling legislation from the General Assembly to acquire right-of-way. Discussion took place on the difference in the reservation of the right-of-way and the dedication, with Mr. Rogers indicating they are not dedicating the right-of-way, but they are reserving the right-of-way. Mr. Jordan moved approval of the thirty units on the condition that the people not built in the proposed right-of-way. His motion was seconded by Mr. Calloway. Mr. Upchurch questioned if this motion is approved, if it will make the facility non-conforming. Lengthy discussion took place with City Attorney McCormick indicating if this were a dedicated right-of-way then the City would not allow them to use the density. Planning Director Chapman indicated the primary concern is in the event the reserved property becomes a part of the right-of-way, then this would create thirty non-conforming units as there would not be enough land. He indicated the design does provide for setback, etc. Discussion took place as how this type situation is normally handled, the possibility of a non-conformity being created with Section 10-2063b being discussed. Mr. Rogers indicated he felt under this code provision it seems that the City Council could grant a variance when and if it has to take the road right-of-way. He stated, in his opinion, he does not feel the question of non-conformity is before the City Council now. He stated if Timber Ridge Drive is built, then that question could be addressed. Whether the City owns any of the right-of-way of Timber Ridge Drive was discussed, whether a non-conformity would be created and the design of the project, how the City acquires property when non-conformities are involved was also discussed. Mr. McCormick indicated when the City acquires right-of-way that creates a non-conformity, normally the City has to pay for damages to the property. Brief discussion took place and the motion, as stated, was put to a vote and passed unanimously. The Mayor ruled the motion adopted.

ANNEXATION - VILLAGE OF OAK PARK - PUBLIC HEARING AUTHORIZED

The City Clerk reported a petition has been received for the contiguous annexation of Village of Oak Park. If the Council so desires the next step would be to direct the City Clerk to check the sufficiency of the petition and, if found sufficient, schedule a public hearing to consider the proposed annexation. Mr. Jordan moved the City Clerk be authorized to check the sufficiency of the petition and schedule the public hearing. His motion was seconded by Mr. Edwards and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

QUAIL HOLLOW DRIVE - REQUEST FOR CUL-DE-SAC - REFERRED TO THE COMPREHENSIVE PLANNING COMMITTEE

Ken Durham, 3605 Burningtree Place, was at the meeting representing Falls of Neuse CAC. He indicated over the last couple of months the City Council has dealt with the status of Quail Hollow Drive and deleted a portion of it from the Collector Street Plan. He indicated on behalf of the Falls of Neuse CAC, he would like to express appreciation for the Council's action and hard work on this item. He indicated at a recent meeting the Falls CAC took a vote to request the Council to more formally indicate the future of Quail Hollow Drive. He explained only a portion of the residents of the area had an opportunity to sign the petition as time was short. He indicated, however, it had been signed by over 600 residents of the area. He read the petition as follows: "We, the undersigned, as concerned citizens respectively petition the City Council of Raleigh to take such steps as are necessary to "dead end" or "cul-de-sac" Quail Hollow Drive at its current terminus just south of Hardimont Road. This action is necessary to prevent Quail Hollow Drive from becoming a major thoroughfare parallel to Wake Forest Road from Navaho Drive to Millbrook Road. As the City Council certainly know, street improvements are standard requirements of the City of Raleigh's Planning and Transportation Department unless the City Council instructs that specific improvements are unnecessary. Completion of Quail Hollow Drive as a thoroughfare is not in the best interest of the many citizens who live, work and/or go to school in the large resident area currently being accommodated very well by Quail Hollow Drive as a residential street."

Discussion took place as to what action the Council has taken on Quail Hollow Drive with Mr. Durham indicated even though it has been officially moved from the Collector Street Plan, that the Department of Transportation can still require some street to be cut through. He indicated it is felt that if it cul-de-saced or if the staff is directed not to allow the cutting through of the streets, it will save that possibility. Discussion took place as to what action the Council could take with Mr. Walters indicating he felt that we should honor the request and have a public hearing to consider cul-de-sacing the street. City Attorney McCormick indicated a public hearing is not required if the project is not going to be assessed. Mr. Walters indicated he felt it was the intent of the Council's actions to instruct that the street would not be cut through. Brief discussion took place, after which by general consensus the matter was referred to the Comprehensive Planning Committee.

RALEIGH AIR MASTERS RADIO CONTROL CLUB - REQUEST FOR LEASE OF PORTION OF LANDFILL - REFERRED TO THE REAL ESTATE COMMITTEE

David Heater and other representatives of the Raleigh Air Master Radio Control Club were at the meeting to explain a proposal they have for leasing the completed portion of the landfill in order to build a model court. He indicated they were not requesting the Council to approval the lease but endorse the idea, so that representatives of the club could work with the City staff in coming up with a proposal.

He indicated they are responsible group of about 100 members and this organization is growing rapidly. He indicated most members are adult males who are professional people, some of which are professional pilots. He explained the program in full and pointed out they are very serious about their hobby and they are interested in leasing a portion of the landfill for a model course for not only for radio controlled airplane but boats, cars, etc. He stated they are very safety conscience and have a one million dollar insurance policy that covers their activities and it would be no problem in making the City a party to that policy. He indicated they are currently utilizing a site near Wake Forest but because of size they need additional room. He stated a number of other clubs are also looking for facilities. He presented slides showing the area they are interested in utilizing which includes the lake and encompasses 60 to 70 acres. He indicated they would take responsibility for developing and running the model park, work with other clubs and individuals in doing this and it would be open to the public. He indicated they feel they could make a pretty impressive facility and they are interested in something like a five year lease with the option to renew on five-year intervals. He indicated there are three other landfill sites in the State being utilized for this purpose - Charlotte, Statesville, and Smithfield. He indicated there is a model park in Winston Salem that is on public property. In response to questioning, Mr. Heater indicated they would like to move as quickly as possible, indicating they would like to be able to start developing planting grass etc. City Manager Zachary indicated if the City approved we would have to get concurrence to the State. Brief discussion took place and Mr. Upchurch moved the request for the model facility at the landfill be referred to Real Estate Committee. His motion was seconded by Mr. Walters and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

MAYOR YORK EXCUSED FROM THE REMAINDER OF THE MEETING.

UNFIT BUILDINGS AND DWELLINGS UNFIT FOR HUMAN HABITATION

NONE.

MATTERS SCHEDULED FOR PUBLIC HEARING

PUBLIC NUISANCE COST CONFIRMATION - 567 ROSE LANE - WITHDRAWN; OTHER LOCATIONS - RESOLUTION ADOPTED

This was a hearing to consider adoption of a resolution confirming charges for abating public nuisances as set out below. The charges, if confirmed, will become a lien against the land. Mayor Pro Tem Walters opened the hearing on each location:

516 Rose Lane - Joseph E. and Lucille B. Jacobs, Property Owners - $125.00. Housing Inspector Supervisor Bartholomew indicated he met with the owners of this property late this afternoon. He stated he would like to withdrawn from the Agenda as there are some problems and he will probably bring it back to the next meeting. Without objection, the item was withdrawn.

100-106 North State Street, W. A. Myatt, property owner $113.00. No one asked to be heard.

3115 Wilder Street - Mary W. Holt and Oza Williams - $119.00. No one asked to be heard.

Mr. Jordan moved adoption of a resolution confirming charges as outlined. His motion was seconded by Ms. Babb and a roll call vote resulted in all members voting in the affirmative. Mayor Pro Tem Walters ruled the motion adopted.

RESOLUTION NO. 1983-347

A RESOLUTION ASCERTAINING AND COMPUTING THE TOTAL COST OF ABATING CERTAIN NUISANCES IN THE CITY OF RALEIGH, CONFIRMING THE SAME AND ASSESSING THE COST OF ABATEMENT AGAINST THE PROPERTY ON WHICH THE NUISANCE EXISTED

WHEREAS, the City Council of the City of Raleigh, pursuant to Chapter 160A of the General Statutes and Sections 2.14(33), (51), 22-51 and Sections 6.35 and 6.36 of the Charter of the City of Raleigh (Chapter 1184 of the 1949 Session Laws of North Carolina as amended) has the authority to prevent, abate and declare unlawful nuisances and to make the cost of said abatement a lien against the premises where the nuisances existed; and,

WHEREAS, pursuant to said Statutes the City Council of the City of Raleigh has adopted Part 7, Chapter 5, of the Code of the City of Raleigh, relating to the abatement of nuisances: NOW, THEREFORE,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That the nuisances as set out herein have been abated at the cost set out herein, pursuant to the Code of the City of Raleigh and more specifically Part 7, Chapter 5.

Section 2. That the City Council of the City of Raleigh hereby confirms the cost of abatement of the nuisances set out herein, pursuant to the General Statutes above referred to and makes the same a lien against the premises as provided in Part 7, Chapter 5 of the Code of the City of Raleigh.

Property Owners	Location	Abatement Cost
W. A. Myatt	100-106 North State Street Lots 2, 3, and 4 Block G-28, Map G-2 ID Nos. 0049905,0049906, 0049907	$113.00
Mary W. Holt and Oza Williams	3115 Wilder Street Lot 263, Map 521 ID No. 0032690	$119.00

Section 3. That this resolution shall become effective September 20, 1983.

Adopted: September 20, 1983.

UNFIT BUILDING - 1127 SOUTH STATE STREET - HEARING - ORDINANCE ADOPTED

This was a hearing to consider adoption of a ordinance declaring the dwelling at 1127 South State Street unfit and directing that it be placarded. The property is in the name of William and Jeanie Glen. Mayor Pro Tem Walters opened the hearing. No one asked to heard, thus the hearing was closed. Mr. Jordan moved adoption of an ordinance declaring the dwelling unfit as outlined. His motion was seconded by Ms. Babb and a roll call vote resulted in all members voting in the affirmative. Mayor Pro Tem Walters ruled the motion adopted.

ORDINANCE NO. 1983-184

AN ORDINANCE FINDING THAT THE PROPERTY DESCRIBED HEREIN IS UNFIT FOR HUMAN HABITATION AND DIRECTING THAT A NOTICE BE PLACED THEREON THAT THE SAME MAY NOT BE OCCUPIED UNTIL REPAIRED OR DEMOLISHED AS DIRECTED BY THE INSPECTIONS SUPERINTENDENT.

WHEREAS, the City Council of the City of Raleigh finds that the property described herein is unfit for human habitation under the provisions of Part 7, Chapter 4, Article G of the Code of the City of Raleigh, North Carolina, entitled "Housing Code," and that all of the provisions of said Article have been complied with as a condition of the adoption of this Ordinance; and

WHEREAS, said house should not be occupied until repaired to meet the requirements of the Minimum Housing Standards Ordinance, or that the same should be demolished as directed by the Inspections Superintendent, and should be placarded by placing thereon a notice prohibiting use for human habitation:

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That the Inspections Superintendent of the City of Raleigh be and he is hereby authorized and directed to place a sign on the building at location listed herein containing the legend: "THIS BUILDING IS UNFIT FOR HUMAN HABITATION; THE USE OR OCCUPANCY OF THIS BUILDING FOR HUMAN HABITATION IS PROHIBITED AND UNLAWFUL."

Property Owner	Location
William A. and Jeanie Glen	1127 South State Street

Section 2. It shall be unlawful for any person to remove said placard from any building to which it is affixed. It shall likewise be unlawful for any person to occupy or to permit the occupancy of any said building for human habitation.

Section 3. That a copy of this ordinance shall be recorded in the Office of the Register of Deeds of Wake County.

Section 4. This Ordinance shall become effective September 20, 1983.

Adopted: September 20, 1983

PRIVATE BUS SERVICE - ENTERTAINMENT EXPRESS - HEARING - REFERRED TO LAW AND FINANCE COMMITTEE

This was a hearing to consider an application from Charles G. Willard, Jr. to operate a private bus service known as the Entertainment Express in the City of Raleigh. Mr. Willard indicated about six months ago he had an idea that he wanted to start a night time transportation system in the city and he met with many of the establishments, the City's DOT, etc. to work out a proposal. He indicated if the Council approves his application he would like to have some spur routes and utilize the City's sign posts to post his stop. He presented Council members with information on the planned route extension, spur routes, etc. He indicated this would allow him to past close to 400 more apartments. He stated he would be glad to answer any questions the Council has about his proposal. Marion B. Perry, representing drivers of the Capital Area Transit was at the meeting indicating they were opposed as he stated they feel that this work should be the City's work. He indicated if the City keeps on letting other companies get the cream off the top of the milk there will be nothing left. He stated he feels if there are any improvements or added routes to be made in the City, it should be done with the present system. Approximately 26 drivers stood in support of Mr. Perry's remarks.

Mr. Upchurch indicated we passed the private bus permit ordinance less than a year ago and it came to the City because of Wolfline and one other company wanting to operate a private bus system. He indicated he feels that the Transit Authority should look at this application and the ordinance to see what effect it will have on the City's system. He indicated one of the private systems that has been approved has not even started operation as he had received some calls wanting to know when it would begin. He stated he feels that the Transit Authority should review this application and tell the Council the impact of the ordinance. City Manager Zachary indicated the Transit Authority has reviewed the application and so has the Department of Transportation and both had recommended approval. He stated, however, Mr. Willard had amended his application at tonight's meeting and the Transit Authority nor the Department of Transportation had had an opportunity to comment on the amended request. No one else asked to be heard thus the hearing was closed. Mr. Jordan moved that the applications operate a private bus service known as the Entertainment Express be referred to the Law and Finance Committee. His motion was seconded by Ms. Babb. Mayor Pro Tem Walters ruled the motion adopted.

STREET IMPROVEMENTS - TIPTON STREET - HEARING - RESOLUTION ADOPTED

This was a hearing to consider the installation of curbs, gutters, drains and paving 27 feet back-to-back in the 900-1000 blocks of Tipton Street. Chief Engineer Thomas explained the proposal. Mayor Pro Tem Walters opened the hearing to the public. No one asked to be heard thus the hearing was closed. Mr. Walters questioned if we have enough right-of-way to straighten out the street with Chief Engineer Thomas indicating he would be working with that. He stated, however, they do not want to do anything that would take any buildings or make any buildings non-conforming. Mr. Calloway moved adoption of a resolution directing the improvements as advertised. His motion was seconded by Mr. Keller and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

RESOLUTION NO. 1983-348

A RESOLUTION DIRECTING THAT STREET IMPROVEMENTS DESCRIBED HEREIN BE MADE AND THE COST THEREOF ASSESSED

WHEREAS, by virtue of Article 10 of Chapter 160A of the General Statutes of North Carolina, as amended, the City Council of the City of Raleigh is authorized to direct that street improvements be made and the costs thereof assessed against abutting property owners; and

WHEREAS, a preliminary resolution indicating the intent to undertake the project has been adopted by the City Council and a public hearing hereon duly held;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That the following improvements be made and the costs thereof assessed against the abutting property pursuant to Article 10 of Chapter 160A of the General Statutes of North Carolina:

Installation of curbs, gutters, and drains and paving 27 feet back-to-back in the 900 and 1000 blocks of Tipton Street.

Section 2. The proportion of the cost in making the aforesaid street improvements to be assessed upon an abutting property owner, to the extent that the same shall be assessable under the provisions of Resolution No. 280, as amended, shall be as follows: 100 percent of the total cost of said respective improvements which are assessable under Resolution No. 280 (i.e. one half of each street to be improved shall be assessed and charged against the lots and parcels of land abutting directly on the respective improvements, according to the extent of their respective frontage thereof by an equal rate per foot of such frontage exclusive of so much of the cost as is incurred at street intersections in improving street intersections; the remainder of the total cost including street intersections to be borne by the City of Raleigh.)

Section 3. That property abutting on the street to be improved shall be connected with water mains, sewer mains and gas mains (if gas mains are available) located in the street adjacent to their several premises in a manner as prescribed in the Plumbing Code of the City of Raleigh and the cost thereof shall be specially assessed if the particular lot or parcel of land for and in connection with which said connections are made, as provided by Article 10 of Chapter 160A of the General Statues of North Carolina.

Adopted: September 20, 1983.

STREET CLOSING - UNOPENED ALLEY KNOWN AS BROWN'S LANE - HEARING - RESOLUTION CLOSING ADOPTED

This was a hearing to consider the closing of an unopened alley known as Brown's Lane. The hearing is pursuant to petition, advertising and notification as required by law. Mayor Pro Tem Walters opened the hearing. Carlyle Morris, one of the applicants, indicated this was originally a seven foot alley and explained the location. He indicated he and the other abutting property owners intent to combine their property to see if they cannot get something built on the property. He stated he sees no good purpose for the leaving the alley open as it is too narrow to be utilized except for pedestrian traffic. He stated as it is now it is just a nui-

sance. In response to questioning, City Manager Zachary indicated the staff has no objection. Mr. Upchurch moved adoption of a resolution closing the street as advertised. His motion was seconded by Mr. Calloway and a roll call vote resulted in all members voting in the affirmative. The Mayor Pro Tem ruled the motion adopted.

RESOLUTION NO. (1983) 350

A RESOLUTION ORDERING THE CLOSING OF AN UNOPENED ALLEY KNOWN AS BROWN'S LANE AS DESCRIBED HEREIN

WHEREAS, a petition has been filed with the City Council of the City of Raleigh for the closing of an unopened alley known as Brown's Lane right-of-way; and,

WHEREAS, pursuant to Article 15 of Chapter 160A of the General Statutes of North Carolina, a resolution was adopted by the City Council declaring its intent to close said portion of said street and calling for a public hearing on the question, published as required by law, and notice of public hearing was posted along said street, all as required by law; and,

WHEREAS, from facts and information, it appears to the satisfaction of the City Council that the closing of said street is not contrary to the public interest and that no individual owning property in the vicinity of said street will thereby be deprived of reasonable means of ingress and egress to this property.

NOW, THEREFORE, BE IT ORDERED BY THE CITY COUNCIL OF THE CITY OF RALEIGH THAT

Section 1. That above described portion of an unopened alley known as Brown's Lane be closed permanently as follows:

> An unopened seven foot wide alley known as Brown's Lane running between New Bern Avenue and East Edenton Street

Section 2. This resolution be registered in the Office of the Register of Deeds of Wake County, North Carolina upon proof that the listed conditions, if any, have been met which would make this closing effective.

Adopted: 9/20/83

Effective: 9/20/83

PU-1983-13 - HEARING TO CONSIDER CONFIRMATION - RESOLUTION ADOPTED

This was a hearing to consider confirmation of cost for the installation of a water main in Gorman Street according to charges outlined in Assessment Roll No. 998 adopted by Resolution 1983-327, August 16, 1983. Chief Engineer Thomas explained the improvements. The hearing was opened, however, no one asked to be heard thus the hearing was closed. Mr. Edwards moved adoption of a resolution confirming charges as outlined. His motion was seconded by Mr. Calloway and a roll call vote resulted in all members voting in the affirmative. Mayor Pro Tem Walters ruled the motion adopted and the roll confirmed at 8:00 p.m.

RESOLUTION NO. 1983-349

A RESOLUTION CONFIRMING SPECIAL WATER ASSESSMENT ROLL 998

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That pursuant to notice of the completion of the assessment roll and notice of the meeting of the City Council hereinafter referred to, published according to law in The Raleigh Times, a newspaper legally qualified to publish legal advertising, and following a public hearing of allegations and objections of all interested persons appearing and making proof in relation thereto at a meeting of the City Council for that purpose held on the 20th day of September, 1983, at the time and place fixed in accordance with statute, the City Council of the City of Raleigh does hereby approve, ratify and confirm the assessments heretofore made by Resolution 1983-327 adopted on the 16th day of August, 1983, which assessments appear on "The City of Raleigh Special Water Assessment Roll 998," against the lots and parcels of land abutting directly on the improvements, according to the extent of their respective frontage thereon, all as shown on said assessment roll which is hereby incorporated into an made a part of this resolution by reference thereto, the assessment roll being on file in the office of the City Clerk and Treasurer.

Section 2. That from the time of the adoption of this resolution confirming the said assessments, the assessments embraced in the aforesaid assessment roll shall be a lien on the real estate against which the same are assessed as provided by Statute.

Section 3. That the terms and manner of the payment of the assessments herein provided for shall be as follows: That said assessment shall be payable in cash, or if any property owner should so elect and give notice of the fact in writing to the City of Raleigh in accordance with provisions of Article 10 of Chapter 160A of the General Statutes of North Carolina, such property owner shall have the option and privilege of paying the assessments in ten equal annual installments, such installments to bear interest at the rate of 6% per annum from the date of confirmation of the assessment rolls payable annually upon the unpaid balance of the assessment.

Section 4. That the assessments confirmed by this resolution and all payments of principal and interest thereof, shall be recorded in "The City of Raleigh Special Assessment Book" which shall be maintained and kept by the City Revenue Collector, who is hereby charged with the duty of collecting and accounting for all sums of principal and interest assessed by this resolution.

Adopted: September 20, 1983

STREET CLOSING - PORTION OF SKYLARK WAY RIGHT-OF-WAY - HEARING - CLOSED CONDITIONALLY

This was hearing to consider the closing of a portion of Skylark Way right-of-way. The hearing is pursuant to petition, advertising and notification as required by law. Mayor Pro Tem Walters opened the hearing. Attorney Jimmy Rogers was at the meeting representing the property owners indicating he would be glad to answer any questions. In response to questioning City Manager Zachary indicated that staff recommends that the request for portion of Skylark Way be approved and that the resolution not be recorded until after double check vaults are installed by the developer. The public sanitary sewer would end at the existing manhole which would be located in the cul-de-sac. Mr. Edwards moved adoption of a resolution with the condition as outlined by the Manager. His motion was seconded by Mr. Upchurch and a roll call vote resulted in all members voting in the affirmative. The Mayor Pro Tem ruled the motion adopted.

RESOLUTION NO. (1983) 351

A RESOLUTION ORDERING THE CLOSING OF SKYLARK WAY AS DESCRIBED HEREIN

WHEREAS, a petition has been filed with the City Council of the City of Raleigh for the closing of a portion of Skylark Way right-of-way; and

WHEREAS, pursuant to Article 15 of Chapter 160A of the General Statutes of North Carolina, a resolution was adopted by the City Council declaring its intent to close said portion of said street and calling for a public hearing on the question, published as required by law, and notice of public hearing was posted along said street, all as required by law; and

WHEREAS, from facts and information, it appears to the satisfaction of the City Council that the closing of said street is not contrary to the public interest and that no individual owning property in the vicinity of said street will thereby be deprived of reasonably means of ingress and egress to this property.

NOW, THEREFORE, BE IT ORDERED BY THE CITY COUNCIL OF THE CITY OF RALEIGH THAT

Section 1. The above described portion of Skylark Way be closed permanently as follows:

> Portion of Skylark Way, Summerfield North Subdivision, Section III, Phase One, running off Running Cedar Trail, recorded in Book of Maps 1977, Volume 6, Page 672, Wake County Register of Deeds
>
> Conditions:
> The developer shall install a double check valve on the water line at the end of the public street prior to recording of this resolution. The public sanitary sewer would end at existing manhole which will be located in the cul-de-sac.

Section 2. This resolution be registered in the Office of the Register of Deeds of Wake County, North Carolina upon proof that the listed conditions, if any, have been met which would make this closing effective.

Adopted: 9/20/83

Effective: Upon recording of resolution after conditions have been met.

STREET CLOSING - PORTION OF COLD SPRINGS DRIVE - HEARING - RESOLUTION ADOPTED

This was a hearing to consider closing a portion of Cold Springs Drive right-of-way. The hearing is pursuant to petition, advertisement and notification as required by law. Mayor Pro Tem Walters opened the hearing. Attorney Jimmy Rogers indicated he was representing the applicants and would be glad to answer any questions. Brief discussion took place and City Manager Zachary indicated the staff has no objection to the closing as advertised. Mr. Edwards moved adoption of a resolution closing the portion of Cold Springs Drive right-of-way as advertised. His motion was seconded by Mr. Calloway and a roll call vote resulted in all members voting in the affirmative. The Mayor Pro Tem ruled the motion adopted.

RESOLUTION NO. (1983) 352

A RESOLUTION ORDERING THE CLOSING OF A PORTION OF COLD SPRINGS DRIVE AS DESCRIBED HEREIN

WHEREAS, a petition has been filed with the City Council of the City of Raleigh for the closing of a portion of Cold Springs Drive right-of-way; and

WHEREAS, pursuant ot Article 15 of Chapter 160A of the General Statutes of North Carolina, a resolution was adopted by the City Council declaring its intent to close said portion of said street and calling for a public hearing on the question, published as required by law, and notice of public hearing was posted along said street, all as required by law; and

WHEREAS, from facts and information, it appears to the satisfaction of the City Council that the closing of said street is not contrary to the public interest and that no individual owning property in the vicinity of said street will there by be deprived of reasonably means of ingress and egress to this property.

NOW, THEREFORE, BE IT ORDERED BY THE CITY COUNCIL OF THE CITY OF RALEIGH THAT

Section 1. The above described portion of Cold Springs Drive be closed permanently as follows:

> Cold Springs Drive, running off Mourning Dove Road, Summerfield North Subdivision, Section 2, Phase 5, recorded in Book of Maps 1983, Page 637, Wake County Register of Deeds

Section 2. This resolution be registered in the Office of the Register of Deeds of Wake County, North Carolina upon proof that the listed conditions, if any, have been met which would make this closing effective.

Adopted: 9/20/83

Effective: 9/20/83 (No Conditions)

AR 983A - HEARING TO CONSIDER CORRECTION - RESOLUTION ADOPTED

This was a hearing to consider adoption of a resolution correcting Assessment Roll No. 983A to the end that the assessment against Lot 30 will be reassessed against two different parcels with assessments as follows: Lot A - C.B.S. Development Company - $8,092.67; Lot 30A - J. Weldon Bailey Estate - $2,037.75. Mr. Edwards indicated he would like to be excused from participation on this item following his normal procedure of not voting on items his company is or has been involved in. Without objection, Mr. Edwards was excused. No one asked to be heard. Mr. Upchurch moved adoption of the correcting resolution as outlined. His motion was seconded by Mr. Keller and a roll call vote resulted in all members voting in the affirmative except Mr. Edwards who was excused. Mayor Pro Tem Walters ruled the motion adopted and the correction approved at 8:10 p.m.

RESOLUTION NO. (1983) 353

A RESOLUTION TO CORRECT WATER ASSESSMENT ON FALLS OF NEUSE ROAD

WHEREAS, by Resolution No. 1982-67 adopted 10-19-82, (effective 9/31/83) the City Council confirmed Assessment Roll No. 983A as set forth in Resolution No. 1982-36 and assessed property as follows:

OWNER	LOT NO.	FRONTAGE	ASSESSMENT
Joe H. Holmes	30	1,007.0	$10,130.42

AND WHEREAS, the assessment charged against the property should be amended because property was incorrectly assessed as one (1) parcel. The assessment should be against the two (2) different parcels as shown below with the current property owners being shown.

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That the assessment charge against the property listed above be corrected as follows, pursuant to authority contained in G.S. 160A-228

OWNER	LOT NO.	FRONTAGE	ASSESSMENT
CBS Development Co.	30	804.44	$8,092.67
J. Weldon Baley Est.	30A	202.56	$2,037.75

Section 2. That the Revenue Collector is authorized and directed to correct the assessment records and to refund to any property owner the amount, if any, by which he (or she) has overpaid the correct amount of the assessment against his (or her) property.

Adopted: 9/20/83

DOWNTOWN SALES DAY - RAIN DATE OF FRIDAY, SEPTEMBER 23 APPROVED

City Attorney McCormick indicated at the last Council meeting, the City Council authorized certain activities involving Cabarrus Street and the Downtown Mall in connection with Downtown Sales Day. He indicated the event was rained out and Ms. Tolan would like to have the approval to apply to Friday, September 23. Mr. Upchurch moved approval of the September 23 rain date for the downtown sales activity event. His motion was seconded by Mr. Edwards and put to a vote which resulted in all member voting in the affirmative. The Mayor Pro Tem ruled the motion adopted.

ADJOURNMENT

There being no further business Mayor Pro Tem Walters announced the meeting adjourned at 8:15 p.m.

Gail G. Smith
City Clerk

jb/CC/SP2